

INDEX—DIGEST

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OATES.

The Alabama election case of Mabson v. Oates in the Forty-seventh Congress. Volume I, section 725.

OATH.

- (1) Requirement of the Constitution as to Members.
- (2) Form of, for Members.
- (3) The oath of 1862 and questions relating thereto.

OATH—Continued

- (4) Administration of.—Law for, at organization.
 - (5) Administration of.—Speaker's function in.
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 - (25) Right to take doubtful.—Because of a question as to election.
 - (26) Right to take doubtful.—Because of the status of the constituency.
 - (27) Right to take doubtful.—Because of question as to qualifications in general.
 - (28) Right to take doubtful.—Because of question as to loyalty.
 - (29) As to exclusion of a disqualified Member by majority vote after he has taken the oath.
 - (30) As related to the pay of Members.
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 - (38) Source of authority to administer.
 - (39) In general.
- (1) **Requirement of the Constitution as to Members.**
 Senators and Representatives are bound by oath or affirmation to support the Constitution.
 Volume I, section 127.
- (2) **Form of, for Members.**
 The Member's oath, its form, and the constitutional requirement. Volume I, Section 128.
 At the organization of the first House an order prescribed the oath to be taken by Members until a law should be enacted. Volume I, section 129.
 A bill prescribing the form of oath to be taken by a Member-elect of the House was held to be a private bill. Volume IV, section 3291.
 The Journal specified by name the Members taking the oath, and at times the form of oath taken.
 Volume IV, section 2866.
- (3) **The Oath of 1862 and Questions Relating Thereto.**
 Form of oath prescribed by the act of July 2, 1862, known as the "ironclad oath." Volume I, section 449.

OATH—Continued.**(3) The Oath of 1862 and Questions Relating Thereto—Continued.**

For persons whose disabilities had been removed the oath of July 2, 1862, was modified by the act of July 11, 1868. Volume **I**, section **455**.

Reference to the enactment and repeal of the test oath (footnote). Volume **I**, section **130**.

Discussion as to whether or not the law prescribing the oath of loyalty in 1862 is constitutional. Volume **I**, section **449**.

Discussion of the oath of July 2, 1862, as creating a statutory disqualification. Volume **I**, section **478**.

Discussion of the question as to whether or not the test oath of July 2, 1862, actually prescribed a new qualification for the Member. Volume **I**, sections **457**, **458**.

Argument that the act of July 2, 1862, prescribing a test oath, did in effect create an additional qualification. Volume **I**, section **451**.

A Member-elect who had not been disloyal, but who could not truthfully take the oath of July 2, 1862, was not sworn until he had been relieved of his disabilities by law. Volume **I**, section **455**.

A bill removing the disabilities of a Member-elect and modifying the test oath for his benefit was passed by a two-thirds vote. Volume **I**, section **455**.

Instance wherein a special law was passed prescribing the form of oath to be taken by a Senator-elect. Volume **I**, section **391**.

A Senator-elect whose loyalty satisfactorily withstood inquiry, but who seemed unable truthfully to take the oath of July 2, 1862, was finally permitted to take oath. Volume **I**, section **453**.

(4) Administration of.—Law for, at Organization.

The act of 1789 provides that on the organization of the House and previous to entering on any other business the oath shall be administered by any Member to the Speaker, and by the Speaker to the other Members and Clerk. Volume **I**, section **130**.

Argument that the law of 1789 as to organization of House and Senate by administration of the oath to Members-elect is directory merely. Volume **I**, section **118**.

The Senate, following the act of 1789, declined to administer the oath to members-elect, until it had chosen a President pro tempore, although a precedent for the proposed action was cited. Volume **I**, section **118**.

Administration of oath to Members and Clerk in the First Congress. Volume **I**, section **129**.

Instance wherein a Member-elect appeared and took the oath several months after the organization of the House. Volume **I**, section **161**.

Under exceptional circumstances the House admitted to a seat a Member-elect who failed to present himself until near the expiration of the Congress. Volume **I**, section **160**.

The House declined to order that the oath be taken by a person who had credentials perfect in form, but who had not presented them to the Clerk and did not desire to assert prima facie right. Volume **I**, section **44**.

Members elect present at the organization of the House are not required to take the oath when their States are called, but may elect to wait and be sworn later. Volume **VIII**, section **3386**.

Previously it was the custom to administer the oath by State delegations, but beginning with the Seventy-first Congress Members elect have been sworn in en masse. Volume **VI**, section **8**.

(5) Administration of.—Speaker's Function in.

The Speaker possesses no arbitrary power in the administration of the oath, and if there be objection the majority of the House must decide. Volume **I**, section **134**.

Objection being made to the administration of the oath to a Member-elect, the Speaker held that the question should be decided by the House and not by the Chair. Volume **I**, sections **519**, **520**.

The Speaker declined to administer the oath to a person whose prima facie right was under investigation by the House. Volume **I**, section **550**.

OATH—Continued.**(5) Administration of.—Speaker's Function in—Continued.**

If a Member object, the Speaker does not administer the oath to a Member-elect without the direction of the House, even though the credentials be regular in form. Volume **I**, section **135–138**.

In 1866 the Speaker declined to administer the oath to persons whose credentials were regular but who came from States declared by the two Houses not entitled to representation at the time. Volume **I**, section **139**.

The Members-elect having denied to certain of their number a right to participate in the organization, the Speaker declined, without instruction of the House, to administer the oath to those thus debarred, although they presented certificates in proper form. Volume **I**, section **140**.

Instance wherein the Speaker pro tempore administered the oath to a member. Volume **VI**, section **20**.

In 1839 the House refused to direct the Speaker to administer the oath to certain persons bearing regular credentials as Members-elect, and as organ of the House he declined to administer the oath. Volume **I**, section **140**.

The Speaker asked the decision of the House when a Member-elect from a State not yet admitted to the Union presented himself to be sworn. Volume **I**, section **396**.

In the absence of the Speaker a Member-elect has produced his credentials and taken his seat, but was not sworn until the oath could be administered by the Speaker. Volume **I**, section **179**.

As to the competency of a Speaker pro tempore to administer the oath to Members. Volume **I**, section **170**.

(6) Administration of.—At a Place Away from the House.

Instance wherein the House authorized the Speaker to administer the oath to Members away from the House. Volume **I**, section **169**.

By authority of the House the oath may be administered to a Member away from the House and by another than the Speaker. Volume **I**, section **170**. Volume **VI**, section **14**.

While the selection of a deputy to administer the oath is within the Speaker's discretion, he is constrained by custom to appoint a Member of the House and where that is inexpedient designates an official authorized to administer oaths. Volume **VI**, section **14**.

Where the oath has been administered away from the House and by another than the Speaker, the House has by resolution received and accepted the oath. Volume **VI**, section **14**.

Forms of resolutions authorizing and accepting oaths administered away from the House. Volume **VI**, section **14**.

An exceptional instance wherein the Senate authorized the administration of the oath to a Senator elect by deputy and outside the Senate Chamber. Volume **VI**, section **19**.

(7) Administration of.—In the Absence of a Quorum.

Members have been sworn in when a roll call had just disclosed the absence of a quorum. Volume **I**, section **174**.

Instance wherein the oath was administered in the absence of a quorum. Volume **VI**, section **21**.

Instance at the beginning of a second session wherein the oath was administered to a Member-elect before the ascertainment of a quorum. Volume **I**, sections **176–178**.

The House being organized, but a quorum having failed, the Speaker declined to administer the oath to a contestant who had been declared elected. Volume **II**, section **875**.

The Presiding Officer of the Senate being present, the oath of office was administered to Senators-elect, although no quorum was present. Volume **I**, sections **181, 182**.

(8) Administration of.—Precedence of.

In 1839 the House declined to adopt rules until the Members had been sworn in according to the Constitution and law of 1789. Volume **I**, section **140**.

OATH—Continued.**(8) Administration of.—Precedence of—Continued.**

Instance wherein at the organization of the House the oath was administered to a Member-elect during the call of the roll on a motion to agree to rules. Volume **I**, section **173**.

Members have been sworn in before the reading of the Journal. Volume **I**, section **172**,

It has been held that the administration of the oath to a Member takes precedence of a motion to amend the Journal. Volume **I**, section **171**.

Sometimes on the informal rising of the Committee of the Whole the House, by unanimous consent, transacts business such as the presentation of enrolled bills, the swearing in of a Member, or consideration of the message. Volume **IV**, sections **4788–4791**.

A division being demanded on a resolution for seating several claimants, the oath may be administered to each as soon as his case is decided. Volume **I**, section **623**.

An adjournment taking place after the election of a Speaker, but before the Members had taken the oath, the Journal was read on the next day, but was not approved until the oath had been administered. Volume **I**, section **171**.

A Member-elect may not take the oath until a motion to reconsider the vote determining his title is disposed of. Volume **I**, section **335**.

When the House votes to admit a Member and the motion to reconsider is disposed of, the right to be sworn is complete and not to be deferred even by a motion to adjourn. Volume **I**, section **622**.

A gentlemen's agreement that there should be "no business whatever" at formal sessions of the House during a designated period was construed to exclude business of the highest privilege as well as business of a purely formal character, including the swearing in of Members and the extension of remarks in the Record. Volume **VI**, section **715**.

Resolutions relating to the administration of the oath are of high privilege. Volume **VI**, section **14**.

Administration of the oath before the reading of the Journal and while a point of no quorum was pending. Volume **VI**, section **21**.

It has been held in order to administer the oath to a Member during a roll call, in the absence of a quorum, or on Calendar Wednesday. Volume **VI**, section **22**.

(9) Administration of.—Challenge of Right to Take.

In 1899 a Member who challenged the right of a Member-elect to be sworn did so on his responsibility as a Member and on the strength of documentary evidence. Volume **I**, section **474**.

In 1867 Members who challenged the right of a Member-elect to take the oath did so, one on his responsibility as a Member and the other on the strength of affidavits. Volume **I**, section **448**.

The fact that a Member-elect has not taken the oath does not debar him from challenging the right of another Member-elect to be sworn. Volume **I**, section **141**.

An objection to a Member-elect's qualifications being sustained neither by affidavit nor on the personal responsibility of the Member objecting, the House declined to entertain it. Volume **I**, section **455**.

In 1862 a Senator who challenged the right of a Senator-elect to be sworn, substantiated his objection with ex parte affidavits. Volume **I**, section **443**.

In 1866 a Senator having stated in his place that the loyalty of a Senator-elect was doubtful, the credentials were referred to a committee before the oath was taken. Volume **I**, section **453**.

In 1867 the Senate, upon the statement by a Member that there were rumors affecting the loyalty of a Member-elect, referred the credentials before permitting the oath to be taken. Volume **I**, sections **457**, **458**.

Instance when a Senator rising in his place objected to the swearing in of a Senator-elect and offered resolution authorizing appointment of a committee to determine his qualifications and eligibility. Volume **VI**, section **179**.

OATH— Continued.**(9) Administration of.—Challenge of Right to Take—**Continued.

A Senator-elect, challenged as he was about to take the oath, stood aside upon the suggestion of the Vice President. Volume **VI**, section **180**.

An instance wherein the Senate declined to permit the oath to be administered to a Senator-elect pending the examination of his qualifications. Volume **VI**, section **180**.

(10) Administration of.—Consideration of Cases of Challenge.

It has been held, although not uniformly, that in cases where the right of a Member-elect to take the oath is challenged, the Speaker may direct the Member to stand aside temporarily. Volume **I**, sections **143–146**.

When the right of a Member-elect to take the oath is challenged, the Speaker directs him to stand aside until the call of the roll is completed. Volume **VIII**, section **3386**.

The right of a Member-elect to take the oath being challenged, the Speaker directed him to stand aside temporarily. Volume **VI**, sections **9, 174**.

In 1899 a Member-elect, challenged as he was about to take the oath, stood aside on the request of the Speaker. Volume **I**, section **474**.

A Member-elect, challenged as he is about to take the oath, is not thereby deprived of any right and determination of his case has priority of those of persons claiming seats but not on the Clerk's roll. Volume **I**, section **155**.

When, at the organization of the House, several Members-elect are challenged and stand aside, the question is first taken on the Member-elect first required to stand aside. Volume **I**, sections **147, 148**.

When Members-elect are challenged at the time of taking the oath, motions and debate are in order on the questions involved in the challenge, and in a few cases other business has intervened by unanimous consent. Volume **I**, sections **149, 150**.

In 1861 it was held that the House might direct contested names on the roll to be passed over until the other Members-elect were sworn in. Volume **I**, section **154**.

The House, by unanimous consent, deferred until after the completion of the organization the question of Brigham H. Robert's right to take the oath. Volume **I**, section **474**.

By unanimous consent the House was proceeded to legislative business pending decision as to the right of a Member to be sworn in. Volume **I**, sections **151–152**.

Members-elect challenged for alleged disqualifications have in several cases been sworn in at once, the question of their qualifications in some cases being referred to a committee for examination. Volume **I**, sections **156–159**.

On a question raised while the oath is being administered to Members, the right to vote is not confined to those already sworn in. Volume **V**, section **142**.

(11) Administration of.—Delayed.

Instance wherein a Member-elect appeared and took the oath several months after the organization of the House. Volume **I**, section **161**.

Under exceptional circumstances the House admitted to a seat a Member-elect who failed to present himself until near the expiration of the Congress. Volume **I**, section **160**.

(12) Administration of.—Without Credentials.

Although the House has emphasized the impropriety of swearing in a Member without a certificate, it has sometimes been done by unanimous consent. Volume **I**, sections **162–168**.

It has been the custom to swear in Members whose credentials have not arrived if the statement was made that there was no question of their election. Volume **VI**, section **13**.

Members without certificates but of whose election there was no question have been sworn in by unanimous consent pending the arrival of their credentials. Volume **VI**, section **12**.

By unanimous consent the oath may be administered to Members-elect whose regular certificates have not arrived. Volume **I**, sections **176–178**.

OATH—Continued.**(12) Administration of.—Without Credentials—Continued.**

The House declined before organization to add to the roll the name of a Member-elect whose credential had been lot, but after organization permitted him to take the oath. Volume **I**, section **85**.

The State authority having declined to issue credentials to a person whose election was not disputed, the House administered the oath to him on satisfying itself of his election. Volume **I**, section **553**.

A governor having declined to issue credentials because of doubt as to the election, the House, in 1796, determined the final right before seating the one surviving claimant. Volume **I**, section **554**.

Two candidates having each numbers of votes the governor did not issue credentials to either, but ordered a new election after they had waived their respective claims. Volume **I**, section **555**.

The governor of a State having declined to issue credentials to rival claimants, the House seated the one shown by prima facie official statement to have a majority of votes (footnote). Volume **I**, section **415**.

(13) Administration of.—As Related to Prima Facie Title.

The Speaker declined to administer the oath to a person whose prima facie right was under investigation by the House. Volume **I**, section **550**.

A refusal of the House to strike a Member-elect's name from the Clerk's roll, and a decision to administer the oath to him, was held to be a final decision of prima facie right. Volume **I**, section **615**.

The House admits on his prima facie showing and without regard to final right a Member-elect from a recognized constituency whose credentials are in due form and whose qualifications are unquestioned. Volume **I**, sections **528–534**.

The action of the Clerk in enrolling a Member-elect does not prevent the House from questioning the prima facie force of the credentials. Volume **I**, section **592**.

The contestant being dead, the swearing in of returned Member creates no estoppel to prevent further prosecution of the contest. Volume **II**, section **1019**.

An instance wherein an elections committee, in a sustained case, ascertained prima facie title after the sitting Member had taken the seat. Volume **I**, section **578**.

In its early years the House referred credentials for examination of prima facie right after the bearer had been seated. Volume **I**, sections **565, 566**.

An instance wherein the Elections Committee reported on both prima facie and final right after one of the parties to the contest had taken the oath. Volume **I**, section **538**.

A question arising as to the sufficiency of papers purporting to be credentials, the House had the papers examined by a committee before permitting the Member-elect to be sworn. Volume **I**, section **600**.

Certain instances wherein the House has referred credentials to the Elections Committee, the oath not being administered to the bearers. Volume **I**, section **548**.

In 1869 the House provided by resolution that the credentials of persons claiming seats in certain States should be examined by a committee before the oath should be administered. Volume **I**, section **387**.

An instance wherein credentials of persons claiming to be Members-elect were referred to a joint committee of the two Houses. Volume **I**, section **361**.

The credentials of Members-elect who appear after the organization are presented, but are not examined by a committee before the oath is administered unless there be objection. Volume **I**, section **387**.

The House declined to order that the oath be taken by a person who had credentials perfect in form, but who had not presented them to the Clerk and did not desire to assert prima facie right. Volume **I**, section **44**.

Instance wherein a Member resigned his seat, sought reelection, and appeared again to be sworn in during the same Congress. Volume **II**, section **1256**.

OATH—Continued.**(14) Administration of.—To Delegates.**

The House decided in 1794 that the oath should not be administered to a Delegate. Volume **I**, section **400**.

In 1801 the oath was administered as a matter of course to a Delegate from Territory. Volume **I**, section **401**.

It has been held that there is no roll of Delegates which the Speaker is obliged to recognize at the time of swearing in Members-elect at the organization of the House. Volume **I**, section **61**.

It was held that in 1881 that the administration of the oath to Delegates was of higher privilege than the adoption of rules. Volume **I**, section **180**.

(15) Status of Member-elect Before Taking.—Discussions of the General Subject.

Discussion of the status of a Member-elect who has not taken the oath, with a conclusion that it is distinguished from that of a Member who has qualified. Volume **I**, section **183**.

Discussion of the status of a Member-elect in relation to the law prohibiting the holding of two offices of certain salaries, with the conclusion that it is distinguished from the status of the Member who has qualified. Volume **I**, section **184**.

In 1901, in a divided report, the Judiciary Committee discussed the status of the Member-elect, the major opinion being that he was as much an officer of the Government before taking the oath as afterwards. Volume **I**, section **185**.

A discussion as to whether or not the House is a House before its organization. Volume **I**, section **82**.

An opinion that a "Member-elect" becomes a Member from the very beginning of the term to which he was elected. Volume **I**, section **500**.

The names of Members who have not been sworn are not entered on the roll from which the yeas and nays are called for entry on the Journal. Volume **V**, section **6048**.

Members who have not taken the oath of office are not entitled to vote. Volume **VIII**, section **3122**.

Refutation of the doctrine that neither the Senate nor its committees have jurisdiction to pass upon the qualifications of a Senator-elect prior to the administration of the oath of office. Volume **VI**, section **179**.

Questions as to the credentials and qualifications of Members-elect may, by general consent, be deferred until after the election of Speaker and swearing in of Members. Volume **I**, section **153**.

(16) Status of Member-elect Before Taking.—As Part of the Quorum.

At the beginning of a second session of Congress unsworn Members-elect were taken into account in ascertaining the presence of a quorum, but in the absence of the Speaker they were not sworn until the next day. Volume **I**, section **175**.

After the House is once organized the quorum consists of a majority of those Members chosen, sworn, and living whose membership has not been terminated by resignation or by action of the House. Volume **IV**, sections **2889**, **2890**.

After long discussion the Senate finally decided that a quorum consisted of a majority of Senators duly chosen and sworn. Volume **IV**, sections **2891–2894**.

(17) Status of Member-elect Before Taking.—Votes for Speaker, etc.

A new Speaker being elected at the beginning of a second session of Congress, Member-elect, present and unsworn, participated in that election. Volume **I**, section **224**.

On a question raised while the oath is being administered to Members the right to vote is not confined to those already sworn in. Volume **I**, section **142**.

The names of Members who have not been sworn are not entered on the roll from which the yeas and nays are called for entry on the Journal. Volume **V**, section **6048**.

OATH—Continued.

(17) Status of Member-elect Before Taking.—Votes for Speaker, etc.—Continued

An instance wherein, at the organization of the House, before the enactment of the law as to the Clerk's roll, two claimants to a seat were present and participated in the proceedings. Volume **I**, section **53**.

The right of Brigham H. Roberts to take the oath and his seat being under consideration he was permitted to speak by unanimous consent. Volume **I**, section **474**.

(18) Status of Member-elect Before Taking.—Appointed on Committees.

A Member may be named of a committee before he is sworn. Volume **IV**, section **4477**.

Instance wherein Members-elect were appointed on committees before taking the oath. Volume **IV**, sections **4479–4482**.

Instance wherein a Member-elect was appointed on a committee long before he took the oath. Volume **IV**, section **4483**.

A Member-elect who had been appointed of a committee before taking the oath not having appeared, the Speaker, with the consent of the House, appointed another Member to the vacancy. Volume **IV**, section **4484**.

Members-elect unofficially known to be under indictment or actually convicted after indictment (but pending an appeal) were yet appointed on committees. Volume **IV**, section **4479**.

(19) Status of Member-elect Before Taking.—Resignation.

A Member-elect may resign before taking the oath. Volume **II**, section **1230**.

A Member-elect having resigned, the house decided that the person elected as his successor was entitled to the seat. Volume **II**, section **1230**.

A Senator-elect has resigned before taking the oath. Volume **II**, section **1233**.

(20) Status of Member-elect Before Taking.—Expulsion.

May the House expel a Member-elect before he is sworn in? Volume **I**, section **476**.

A Member-elect who had not taken the oath was expelled for treason. Volume **II**, section **1262**.

(21) Status of Member-elect Before Taking.—In Relation to Contests.

An instance wherein a contest was maintained against a Member-elect who had not and did not take the seat. Volume **I**, section **415**.

Instance wherein the house decided an election contest against a returned Member who had not appeared to claim the seat. Volume **I**, section **638**.

In the Kentucky cases in 1868 a contest was presented and sustained against a person to whom the House had refused the oath on his prima facie showing. Volume **I**, sections **450, 452**.

The right of a Senator-elect to take the oath having been denied pending an investigation, the Senate by resolution conferred on him the privilege of appearing on the floor in his own behalf. Volume **VI**, section **180**.

The House has given to a committee the right to decide on either the prima facie or final right to a seat before authorizing the oath to be administered to a Delegate. Volume **I**, section **471**.

An instance wherein a contest was maintained against a Member-elect who had not and did not take the seat. Volume **I**, section **415**.

Whether inquiry into the qualifications of a Senator-elect shall be made prior or subsequent to the administration of the oath is within the discretion of the Senate. Volume **VI**, section **348**.

(22) Right to Take Doubtful.—Because of Defective Credentials.

The House had declined to admit on prima facie showing persons whose elections and credentials appeared defective. Volume **I**, section **589**.

The House has declined to permit the oath to be taken by persons whose credentials had procured their enrollment by the Clerk. Volume **I**, section **589**.

OATH—Continued.**(22) Right to Take Doubtful.—Because of Defective Credentials—Continued.**

In 1833 the House decided that a person bearing defective credentials should not be called on the roll call until after the election of Speaker and other officers. Volume **I**, section **53**.

Credentials being defective, but no doubt existing as to the election, the oath was administered to the Member-elect by unanimous consent. Volume **I**, section **593**.

The House has given full prima facie effect to credentials signed by a military officer in accordance with the law of reconstruction. Volume **I**, section **592**.

A military order has been accepted as credentials of Members from a reconstructed State. but the said credentials were examined by a committee before the House authorized the bearers to take the oath. Volume **I**, section **465**.

A Senator-elect was permitted to take the oath, although his credentials were irregular in minor particulars. Volume **I**, section **595**.

(23) Right to Take Doubtful.—Because of Conflicting Credentials.

In 1868 the House denied the oath to two persons who appeared with conflicting credentials which cast doubt on the right of either to the seat. Volume **I**, section **459**.

The House confirmed the action of its Clerk who had enrolled the bearers of credentials which conformed strictly to the law, although less formal credentials had been issued at an earlier date by a recognized governor. Volume **I**, section **60**.

Of two claimants, each having credentials in apparently due form, the House directed the administration of the oath to the one whom the Clerk had enrolled. Volume **I**, section **613**.

The Clerk having honored credentials from a de facto governor, the House confirmed the prima facie title, although there was a conflicting certificate from an alleged de jure governor. Volume **I**, section **614**.

In 1882 the House declined to permit the oath to be administered to either of two contesting Delegates until the papers in relation to the prima facie right has been examined by a committee. Volume **I**, section **471**.

In view of the existence of conflicting credentials, the House declined to administer the oath to a person enrolled by the Clerk as a Delegate. Volume **I**, section **619**

Credentials being impeached by a paper from a Territorial officer, the House declined to permit the oath to be administered until the prima facie right had been examined. Volume **I**, section **541**.

(24) Right to Take Doubtful.—Because of a Question as to Vacancy.

Discussion as to the length of term of a Member elected to fill a vacancy caused by the House having declared a seat vacant. Volume **II**, section **1206**.

A Member-elect producing credentials showing his election to fill the vacancy caused by the decease of his predecessor is sworn in at once, although no other notice of the decease may have been given to the House. Volume **I**, section **568**.

The credentials of a Member-elect indicating that he had been elected before the resignation of his predecessor took effect, objection was made and the oath was not administered until new credentials were produced. Volume **I**, section **596**.

Opinion of the Judiciary Committee that when a Member-elect retains an incompatible office and does not qualify a vacancy exists in his seat. Volume **I**, section **500**.

A State executive having issued credentials in due form on the assumption that a Senator had vacated his seat by accepting an army office, the credentials were deferred and the bearer was not seated. Volume **I**, section **491**.

(25) Right to Take Doubtful.—Because of a Question as to Election.

A Member-elect may not take the oath until a motion to reconsider the vote determining his title is disposed of. Volume **I**, section **335**.

There being a question as to a Member's election, he was sworn in and his credentials were referred to a committee with instructions. Volume **I**, section **544**.

OATH—Continued.**(25) Right to Take Doubtful.—Because of a Question as to Election—Continued.**

- The House has given to a committee the right to decide on either the prima facie or final right to a seat before authorizing the oath to be administered to a Delegate. Volume **I**, section **471**.
- An instance wherein the House seated neither of two claimants on prima facie showing, deferring the administration of the oath until the ascertainment of final right. Volume **I**, section **45**.
- Returned Member having acknowledged to the House before the decision of the committee that contestant was elected, the House preferred to adopt the usual resolutions before seating contestant. Volume **I**, section **742**.
- The Clerk and the House honored credentials regular in form and issued by a competent officer, although the fact was notorious that the State courts had found a different result. Volume **I**, section **57**.

(26) Right to Take Doubtful.—Because of the Status of the Constituency.

- Persons bearing credentials regular in form but coming from communities disorganized by civil war have been excluded until Congress should determine the status of the constituencies. Volume **I**, section **361**.
- In the Fortieth Congress Members-elect from States lately in secession were not admitted until a committee had examined their credentials, qualifications, and the status of their constituencies. Volume **I**, section **386**.
- In the days of reconstruction the two Houses, by joint rule, excluded Members-elect with credentials in due form, some entirely, others until the States were declared by law entitled to representation. Volume **I**, section **361**.
- In 1870 no one of the Members-elect from Virginia was seated until the credentials were reported on by a committee and the House had elected. Volume **I**, section **461**.
- In 1867 the Elections Committee took the view that charges of the disloyalty of a constituency should not prevent a person holding a regular certificate from taking a seat on his prima facie right. Volume **I**, section **448**.
- Credentials regular in form have been presented as a matter of privilege, although the status of the constituency was, by reason of civil war, in doubt. Volume **I**, section **361**.

(27) Right to Take Doubtful.—Because of Question as to Qualifications in General.

- A Member-elect not being of the required age, the taking of the oath was deferred until he was qualified. Volume **I**, section **418**.
- Members-elect challenged for alleged disqualification have in several cases have sworn in at once, the question of their qualifications in some cases being referred to a committee for examination. Volume **I**, sections **156–159**.
- In 1870 the House declined to exclude John C. Connor, who possessed the constitutional qualifications and satisfactory credentials, but whose moral character was impeached. Volume **I**, section **465**.
- The House declined to permit the oath to be administered to Brigham H. Roberts pending an examination of his qualifications by a committee. Volume **I**, section **473**.
- In 1882 the House by majority vote and for the disqualification of polygamy excluded Delegate George Q. Cannon, who had not been sworn on his prima facie showing. Volume **I**, section **472**.
- B.F. Whittemore, being reelected to the same House from which he had resigned to escape expulsion for crime, was excluded from taking the oath and his seat. Volume **I**, section **464**.
- The House decided a Member-elect was entitled to a seat on his prima facie right, although knowing that his qualifications were under examination. Volume **I**, section **420**.
- The House decided that the oath should be administered to a Member-elect, although a Member charged that he was personally disqualified. Volume **I**, section **447**.

OATH—Continued.**(27) Right to Take Doubtful.—Because of Question as to Qualifications in General—**
Continued.

In 1873 the House seated Delegate George Q. Cannon on the strength of his unimpeached credentials, although it was objected that he was disqualified. Volume I, section 486.

In 1869 John M. Rice, challenged on account of alleged disloyalty, was permitted by the House to take the oath pending examination of the charges. Volume I, section 60.

In 1870 the House voted to administer the oath to a Member-elect on his correct prima facie showing, although a question as to his qualifications was pending before the Elections Committee. Volume I, section 462.

The Senate investigated the sanity of a Senator-elect before allowing him to take the oath. Volume I, section 441.

Charges that a Senator-elect was disqualified did not avail to prevent his being sworn in by virtue of his prima facie right. Volume I, section 429.

Although it was understood that objection was made to a Senator-elect on the question of qualification, yet the oath was administered on his prima facie showing. Volume I, section 481.

In the Senate in 1856 a Senator-elect was sworn on his prima facie right, although his qualifications were questioned. Volume I, section 416.

In 1870 a question was raised as to the citizenship of Senator-elect H.R. Revels, but he was seated, the Senate declining to postpone the administration of the oath in order to investigate the case. Volume I, section 430.

An argument that a Senator-elect might be excluded for disqualifications other than the three specified by the Constitution. Volume I, section 443.

A Senator-elect took the oath on his prima facie right without challenge, although charges of bribery in his election were presented immediately thereafter. Volume I, section 692.

The Committee on Elections declined to be governed by judgment and verdict of judge and jury of Federal court and proceeded to determine for itself the question of guilt or innocence of Member-elect charged with violation of Federal laws. Volume VI, section 56.

Instance wherein the question of qualification was passed on after a Member-elect had been sworn in on his prima facie showing. Volume VII, section 174.

(28) Right to Take Doubtful.—Because of Question as to Loyalty.

The question of loyalty as a qualification of a Member. Volume I, section 479.

A question being raised as to the loyalty of a Member-elect, the House has exercised its discretion about permitting him to take the oath at once. Volume I, sections 444–446.

A Member-elect who was about to be sworn was challenged for disloyalty, whereupon the House denied him the oath and referred the credentials. Volume I, section 455.

Before the adoption of the fourteenth amendment, and in a time of civil disorders, the committee reported and the House sustained the view that no person who had been disloyal should be sworn. Volume I, section 448.

Before the adoption of the fourteenth amendment, and in a time of civil disorders, the House denied the oath to Members-elect who presented themselves with credentials in due form but whose loyalty was questioned, and the credentials were referred to a committee. Volume I, section 448.

In 1867 it was held that no man duly elected should be excluded for disloyalty unless it could be clearly proven that he had been guilty of such open acts of disloyalty that he could not honestly and truly take the oath of July 2, 1862. Volume I, section 448.

It not being proved by clear and satisfactory testimony that Lawrence S. Trimble had given aid and comfort to rebellion, the House declined to exclude him. Volume I, section 452.

In 1868 the House excluded a Member-elect who, by voluntarily giving aid and comfort to rebellion, had, in the opinion of the House, made it impossible for him to take the oath of office prescribed by law. Volume I, section 449.

OATH—Continued.**(28) Right to Take Doubtful.—Because of Question as to Loyalty—Continued.**

John D. Young having, in the opinion of the House, voluntarily given aid and comfort to the enemy by words, although not by acts, was held incapable of taking the oath of July 2, 1862. Volume **I**, section **451**.

In 1870 the House decline to exclude a Member-elect for alleged disloyalty in giving utterance to words indicating contempt for the Government. Volume **I**, section **387**.

Instance of exclusion of a Member-elect found unable to take the test oath of loyalty. Volume **I**, section **333**.

In 1869 the House ordered that in all election contests wherein either claimant should be unable to take the oath of loyalty the investigation of claimants' rights should cease, pending order of the House. Volume **I**, section **620**.

A Member-elect who had not been disloyal, but who could not truthfully take the oath of July 2, 1862, was not sworn until he had been relieved of his disabilities by law. Volume **I**, section **455**.

A Member-elect, enrolled by the Clerk on his regular credentials, did not vote until his disqualifications had been removed and he had been permitted by the House to take the oath. Volume **I**, section **456**.

By the fourteenth amendment one who, having previously taken an oath as an officer of Government to support the Constitution, has engaged in rebellion, is disqualified as a Member until the disability be removed. Volume **I**, section **454**.

In 1867 the Senate, having in view the test oath and the spirit of the fourteenth amendment, excluded Philip F. Thomas for disloyalty. Volume **I**, sections **457**, **458**.

In 1862, before the enactment of the test oath for loyalty, the Senate after mature consideration declined to exclude for alleged disloyalty Benjamin Stark, whose credentials were unimpeached. Volume **I**, section **443**.

A Senator-elect whose loyalty satisfactorily withstood inquiry, but who seemed unable truthfully to take the oath of July 2, 1862, was finally permitted to take the oath. Volume **I**, section **453**.

For disloyalty to the United States, for giving aid and comfort to a public enemy, for publication of expressions hostile to the Government, a Member-elect was denied a seat in the House. Volume **VI**, section **56**.

A Member-elect, who had not taken the oath, was excluded from the House for disloyalty. Volume **VI**, section **57**.

The Wisconsin election case of Carney v. Berger in the Sixty-sixth Congress. Volume **VI**, section **58**.

A Member-elect found to have obstructed the Government in the prosecution of war, and to have given aid and comfort to its enemies, was declared ineligible to membership in the House. Volume **VI**, section **58**.

(29) As to Exclusion of a Disqualified Member by Majority Vote After He Has Taken the Oath.

As to whether or not a disqualified Member who has taken the oath may be excluded by majority vote. Volume **I**, sections **420**, **461**. Volume **II**, section **946**.

The House considered a protest as to the qualifications of a Member after he had taken the oath without objection. Volume **I**, section **426**.

In 1856 the House considered and decided a question as to the qualifications of a Member who had already been seated on his prima facie showing. Volume **I**, section **415**.

In 1869 the Elections Committee proposed to exclude for disloyalty one who had already been sworn in, and although the committee were reversed on the facts the propriety of the proceeding was not questioned. Volume **I**, section **460**.

In 1870, after a Member-elect had been permitted to take the oath, the House took up and decided a contest based on his alleged disloyalty, deciding that the evidence did not show his disqualifications. Volume **I**, section **462**.

OATH—Continued.**(29) As to Exclusion of a Disqualified Member by Majority Vote After He Has Taken the Oath.—Continued.**

Instance wherein the question of qualification was passed on after a Member-elect had been sworn in on his prima showing. Volume **I**, Section **432**.

A Member-elect whose loyalty was impeached was permitted to take the oath, and after that the House was reluctant to take action in his case. Volume **I**, section **461**.

In 1873 the Elections Committee concluded that a delegate who had been sworn could be reached on a question of qualifications only by process of expulsion. Volume **I**, section **469**.

The Senate, by a majority vote, unseated Albert Gallatin for disqualification after he had taken the oath. Volume **I**, section **428**.

In 1856 the Senate considered and decided a question as to the qualifications of a Member who had already been seated on his prima facie showing. Volume **I**, section **416**.

In 1862 the Senate decided to administer the oath “without prejudice to any subsequent proceedings in the case” to a Senator-elect charged with disloyalty. Volume **I**, section **443**.

(30) As Related to the Pay of Members.

The House has decided that the law relating to deductions from the pay of Members applies only to those who have taken the oath. Volume **II**, section **1154**.

A Member-elect, who held a commission in the Army and had not taken the oath or his seat in the House, having resigned, a question arose as to when the compensation of his successor should begin. Volume **I**, section **500**.

(31) Of the Speaker and Other Officers.

The law of 1789 provides that the oath shall be administered to the Speaker by any Member. Volume **I**, section **130**.

It has long been the practice for the Member of longest continuous service to administer the oath to the Speaker. Volume **I**, section **131–133, 220**.

While the oath has usually been administered to the Speaker by the Member of longest consecutive service, that practice is not always followed. Volume **VI**, section **6**.

A Speaker elected after the organization of the House takes the oath, although he may have taken it already as a Member. Volume **I**, section **225, 226**.

The Speaker having resigned in 1814, his successor when elected took the oath. Volume **I**, section **231**.

The Speaker having resigned in 1820, it does not appear that his successor took the oath. Volume **I**, section **232**.

The Speaker having resigned in 1834, his successor took the oath. Volume **I**, section **233**.

A Speaker pro tempore is not sworn. Volume **II**, section **1394**.

A Speaker pro tempore elected by the House is not sworn. Volume **I**, section **229**.

A Speaker pro tempore elected only for the temporary absence of the Speaker is not sworn. Volume **II**, section **1386**.

The Houses having approved the Speaker’s designation of a Speaker pro tempore, the oath was administered and the Clerk was directed to notify the President and the Senate. Volume **VI**, section **280**.

A Speaker pro tempore elected by the House is sworn as a prerequisite to signing enrolled bills. Volume **VI**, section **274**.

A Speaker pro tempore whose designation was approved by the House was not sworn. Volume **VI**, section **266**.

The elective officers of the House are sworn to support the Constitution and discharge their duties faithfully. Volume **I**, section **187**.

Origin of an obsolete requirement that the officers of the House shall be sworn to keep its secrets. Volume **I**, section **187**.

In the early days of the House two oaths were administered to the Clerk. Volume **I**, section **238**.

OATH—Continued.**(31) Of the Speaker and Other Officers—Continued.**

At first the Chaplain did not take the oath prescribed for the officers of the House. Volume **I**, section **280–282**.

The Chaplain takes the oath prescribed for the officers of the House. Volume **VI**, section **31**.

(32) Of Witnesses.—Before Committees.

Form of oath administered to witnesses before a committee. Volume **III**, section **1822**.

A person before a committee declining to give evidence the committee tendered him oaths as a witness, which he refused. Volume **III**, section **1699**.

Witnesses were examined under oath and in the presence of Brigham H. Roberts during the committee's investigation of his qualifications. Volume **I**, section **475**.

The Kansas Committee of 1856 was empowered by the House to employ or dismiss clerks and assistant sergeants-at-arms and to administer oaths to them. Volume **III**, section **1752**.

(33) Of Witnesses.—Who May Administer.

The Speaker, the Chairman of the Committee of the Whole, or any other committee, or any Member may administer oaths to witnesses in any case under examination. Volume **III**, section **1769**.

Instance where the House by resolution proposed to authorize a chairman of a subcommittee to administer oaths. Volume **IV**, section **4548**.

An instance wherein the chairman of an investigating committee administered the oath to himself and testified. Volume **III**, section **1821**.

(34) Of Witnesses.—In Trial at the Bar of the House.

Form of oath administered by the Speaker to a person about to be examined at the bar of the House. Volume **II**, section **1633**.

The oath administered to a witness at the bar of the House is not recorded in full in the Journal. Volume **IV**, section **2874**.

Members testifying in the case of Matthew Lyon, who was threatened with expulsion, were sworn and cross-questioned by Mr. Lyon. Volume **II**, section **1643**.

In 1832 the Speaker was empowered to administer the oath to witnesses in the contempt case of Samuel Houston. Volume **II**, section **1617**.

In 1795 the House introduced a district judge to administer oaths to witnesses in a contempt case heard at the bar of the House. Volume **II**, section **1602**.

A person being on trial for contempt, both the information given by Members and their testimony were required to be under oath. Volume **II**, section **1602**.

(35) Of Witnesses.—When Arraigned for Contempt.

A contumacious witness arraigned at the bar of the House was required to answer in writing and under oath. Volume **III**, section **1670**.

In the Wolcott case the respondent when arraigned presented two answers, each in writing, sworn and subscribed, one of which appears in the Journal while the other does not. Volume **III**, section **1671**.

In an arraignment in 1877 the answer of the respondent prepared by his counsel was attested. Volume **III**, section **1696**.

Witnesses arraigned for contempt have frequently answered orally and not under oath. Volume **III**, section **1688**.

A witness arraigned for contempt answered orally and without being sworn. Volume **III**, section **1701**.

When arraigned the witness Kilbourn submitted a written, unsworn answer, which does not appear in the Journal. Volume **II**, section **1609**.

In the Irwin case the respondent, on being arraigned, made an oral, unsworn answer, which does not appear in the Journal. Volume **III**, section **1690**.

OATH—Continued.**(35) Of Witnesses.—When Arraigned for Contempt—Continued.**

Several persons arraigned at the bar together for contempt made an answer in writing and signed but not sworn to. Volume **III**, section **1698**.

Instance wherein the answer of a person arraigned for contempt was in writing, but not sworn to, and not recorded in the Journal. Volume **III**, section **1687**.

Being arraigned for contempt George F. Seward presented a written statement, signed by himself and counsel, but not attested, and this answer appears in full in the Journal Volume **III**, section **1699**.

In the Stewart case the questions and answers at the examination were recorded in the Journal, the answers being oral and not under oath. Volume **III**, section **1689**.

(36) Of President of the United States. See also “Inauguration.”

Ceremonies at the administration of the oath of office to Millard Fillmore, President of the United States. Volume **III**, section **1997**.

In appointing a committee to officiate at the administration of the oath to President Fillmore the Speaker selected the majority, including the chairman, from the political party of the President, which was the minority party of the House. Volume **III**, section **1997**.

The Senate constituted its committee to officiate at the administration of the oath to the President Fillmore, with a majority from the minority side of the Chamber. Volume **III**, section **1997**.

An instance wherein, owing to inclemency of the weather, the President elect took the oath and delivered his inaugural address in the Senate Chamber. Volume **VI**, section **447**.

(37) Of Clerks of Committees.

Forms of oaths taken by clerks of committee. Volume **IV**, section **4580–4582**.

The clerk of the Joint Committee on the Conduct of the War was sworn. Volume **IV**, section **4424**.

(38) Source of Authority to Administer.

The authority to administer oaths should give by law rather than by rule of either House. Volume **III**, sections **1823, 2081, 2294, 2303**.

(39) In General.

Bills relating to pensioners' oaths and fraudulent claims have been reported by the Judiciary Committee. Volume **IV**, section **4074**.

OBITUARY. See also “Death.”**(1) Ceremonies on occasion of the deaths of Members.****(2) Ceremonies on occasion of the deaths of Speakers and other officers.****(3) Deaths of Presidents and ex-Presidents of the United States.****(4) Deaths of Vice-Presidents and other civil officers.****(5) Deaths of officers of the Army and Navy.****(6) In general.****(1) Ceremonies on Occasion of the Deaths of Members.**

Forms of resolution offered at the death of a Member. Volume **V**, section **7107**.

The House takes notice of the death of a Member-elect as if he had been duly qualified. Volume **V**, sections **7134, 7135**.

Early observances of the House at the decease of Members. Volume **V**, sections **7108–7120**.

The practice of draping the seat of a deceased Member began as early as 1848. Volume **V**, section **7160**.

The eulogies of a deceased Member formerly occurred at the time of the announcement of this death and the adjournment of respect. Volume **V**, sections **7158–7163**.

In later years the eulogies of deceased Members of the House and Senate have occurred after the announcement of the death. Volume **V**, sections **7164–7167**.

Memorial addresses were published on the occasion of the death of John Quincy Adams in 1848. Volume **V**, section **7148**.

OBITUARY—Continued.

(1) Cermonies on Occasion of the Deaths of Members—Continued.

Ceremonies at funerals of Members in the Hall of the House in early days. Volume **V**, sections **7144–7147**.

Later funeral ceremonies, including the elaborate observances at the burial of John Quincy Adams. Volume **V**, sections **7148–7151**.

Ceremonies at the funeral of William D. Kelley in 1890. Volume **V**, section **7152**.

The Ceremonies at the funeral of William D. Kelly in 1890. Volume **V**, section **7152**.

The ceremonies at the state funeral of Nelson Dingley. Volume **V**, section **7153**.

In rare instances the House has taken action on the occasion of the decease of a former Member. Volume **V**, sections **7136–7128**.

(2) Ceremonies on Occasion of the Deaths of Speakers and Other Officers.

Ceremonies in memory of a deceased Speaker. Volume **V**, section **7156**.

The House adjourned in honor of ex-Speaker Reed, whose death after he had ceased to be a Member. Volume **V**, section **7139**.

The death of the Clerk being announced, the House adopted appropriate resolutions. Volume **I**, section **249**.

On the announcement of the death of the Doorkeeper the House took appropriate action. Volume **V**, section **7173**.

The House appointed a committee to attend the funeral of its deceased Chaplain. Volume **V**, section **7172**.

Resolution relating to the decease of an official reporter of debates. Volume **V**, section **7174**.

(3) Deaths of President and ex-Presidents of the United States.

Ceremonies in memory of President William Henry Harrison. Volume **V**, section **7176**.

Ceremonies in honor of President Zachary Taylor, who died during a session of Congress. Volume **V**, section **7177**.

Ceremonies in memory of President Abraham Lincoln. Volume **V**, section **7178**.

Ceremonies in memory of President James A. Garfield. Volume **V**, section **7179**.

Proceedings and exercises in memory of the late President McKinley. Volume **V**, section **7180**.

By joint resolution Congress has expressed its condolence with the widow of a deceased President. Volume **V**, section **7176**.

The House has by appropriate resolutions expressed its respect for the memories of deceased ex-Presidents of the United States. Volume **V**, section **7188**.

Ceremonies upon the announcement of the death of George Washington. Volume **V**, section **7181**.

On the occasion of the death of George Washington Congress requested the people to hold public memorial meetings. Volume **V**, section **7181**.

(4) Deaths of Vice-Presidents and Other Civil Officers.

Cermonies in memory of deceased Vice-Presidents. Volume **V**, sections **7189–7193**.

Ceremonies on the occasion of the deaths of members of the President's Cabinet. Volume **V**, sections **7198–7200**.

Ceremonies on the occasion of the deaths of a Chief Justice and associate justice of the Supreme Court of the United States. Volume **V**, sections **7194–7197**.

(5) Deaths of Officers of the Army and Navy.

Observances of the House of occasion of the deaths of high officers of the Army. Volume **V**, sections **7201–7207**.

Resolutions in memory of the Admiral of the Navy. Volume **V**, sections **7208–7210**.

The House generally did not adjourn in tribute to the memories of high officers of the Revolution. Volume **V**, section **7211**.

The House appointed a committee to attend the transfer of the remains of General Rosecrans. Volume **V**, section **7212**.

OBITUARY—Continued.**(6) In General.**

In rare instances the House has taken notice of the decease of eminent citizens not of its membership. Volume **V**, sections **7213–7218**.

In rare instances the House has noticed the decease of a member of the family of a President or ex-President. Volume **V**, sections **7182, 7184**.

The House paid honor to the memory of Lafayette by elaborate ceremonies. Volume **V**, section **7219**.

The House has, in a few cases, paid honor to the memory of champions of liberty in foreign lands. Volume **V**, sections **7220–7222**.

A resolution of the House expressing regret at the death of a statesman of a foreign country caused offense to the Government of that country. Volume **V**, section **7221**.

The House has expressed its regret at attempts on the lives of foreign rulers. Volume **II**, sections **1557, 1558**.

OBJECTIONS.

(1) To requests for unanimous consent.

(2) During examination at the bar of the House.

(3) To reading of papers in House.

(1) To Requests for Unanimous Consent.

As a request for unanimous consent to consider a bill is in effect a request to suspend the order of business temporarily, a demand for the regular order may be made at any time and is equivalent to an objection. Volume **IV**, section **3058**.

Unanimous consent to consider a bill implies a setting aside of the order of business for that purpose, hence the withdrawal of an objection thereto does not bring the bill up if other business has intervened. Volume **IV**, section **3059**.

When unanimous consent has been given for the consideration of a bill amendments may be offered and may not be prevented by the objection of a Member. Volume **V**, section **5782**.

The Member should rise in objecting to a request for unanimous consent. Volume **II**, sections **1137, 1138**.

The Journal does not record the name of a Member objecting to a request for unanimous consent. Volume **IV**, section **2865**.

Authority having been given one Member to call up a bill, another may not be recognized for that purpose if objection is made. Volume **VII**, section **928**.

The Speaker makes it his duty, ordinarily, to object to a request for unanimous consent that a bill may be acted on without being read. Volume **VII**, section **1054**.

The Speaker as a Member of the House may object to a request for unanimous consent. Volume **VIII**, section **3383**.

A Member may not by reserving the right to object to a request for unanimous consent secure the floor for debate. Volume **VI**, section **287**.

A Delegate may not object to the consideration of a measure. Volume **II**, sections **1293, 1294**.

Instance wherein a Delegate was recognized to object to the consideration of a measure. Volume **VI**, section **241**.

Dicta by a Chairman expressing the opinion that former decisions denying Delegates the right to object to consideration were out of harmony with general decisions defining the rights of Delegates. Volume **VI**, section **240**.

(2) During Examination at the Bar of the House.

A person under examination at the bar withdraws while the House deliberates on the objection to a question. Volume **III**, section **1768**.

(3) To Reading of Papers in House.

The reading of papers other than the one on which the vote is taken are subject to the will of the House and any Member may object. Volume **VIII**, section **2605**.

OBJECTIONS—Continued.**(3) To Reading of Papers in House—Continued.**

If objection is made a Member must have leave of the House to read a paper in his place, even though it be his own written speech. Volume **VIII**, section **2598**.

A motion that a Member having the floor be permitted to read a paper objected to in debate is privileged. Volume **VIII**, section **2605**.

A Member proposing to read in his own time a paper on which a vote was not to be taken, objection was made, and the Speaker submitted the question to the House. Volume **VIII**, section **2597**.

If objection is made a Member may not read excerpts from the Congressional Record save by leave of the House. Volume **VIII**, section **2597**.

Objection being made to the reading of a paper in debate, the Chair takes the sense of the House, on motion or without motion from the floor, and without debate. Volume **VIII**, section **2607**.

A Member in debate usually reads or has read by the Clerk such papers as he pleases, but his privilege is subject to the authority of the House if another Member objects. Volume **VIII**, section **2602**.

Instance wherein the request of a Member to have read a paper not before the House for action encountered objection and was referred to the House. Volume **VIII**, section **2603**.

The Record failing to include communications read from the desk and objection being made on that account, the Speaker directed that they be printed in the Record of the following day. Volume **VI**, section **229**.

A Member may object to the reading of a paper on which the House is not required to vote at any time after reading has begun, and demand that the question of its reading be referred to the House for decision. Volume **VIII**, section **296**.

The display of exhibits in debate by way of illustration is subject to the will of the House and any Member may object. Volume **VIII**, section **2452**.

OBSCENE.

Any petition or memorial of an obscene or insulting nature may be returned by the Speaker to the Member presenting it for reference. Volume **IV**, section **3364**.

Bills to prevent the carriage from one State to another of indecent or harmful pictures or literature have been reported by the Committee on Interstate and Foreign Commerce. Volume **IV**, section **4116**.

OBSTRUCTION.**(1) General principle forbidding.****(2) By breaking a quorum.****(3) By dilatory motions.****(4) Instances of.****(1) General Principle Forbidding.**

The object of a parliamentary body is action, not stoppage of action, and the methods of procedure may not be used to stop legislation. Volume **V**, section **5713**.

While power to punish contempt is not expressly granted to Congress by the constitution, it has the implied power to preserve itself and to deal by way of contempt with direct obstruction to its legislative duties. Volume **VI**, section **534**.

(2) By Breaking a Quorum.

In 1890 Mr. Speaker Reed directed the Clerk to enter on the Journal as part of the record of a yea-and-nay vote names of Members present but not voting, thereby establishing a quorum of record. Volume **IV**, section **2895**.

The practice of Members refusing to vote in order to break the quorum had been established many years in the House when discontinued in 1890 (footnote). Volume **IV**, section **2895**.

Illustrations of the former practices of obstruction by breaking a quorum and by dilatory motions. Volume **IV**, sections **2898–2903**.

OBSTRUCTION—Continued.**(2) By Breaking a Quorum—Continued.**

Instance wherein, under the former practice, business was halted because a quorum did not vote, although the Speaker declared that there was no doubt of the actual presence of a quorum. Volume **V**, section **5744**.

Early instance of obstruction caused by members refusing to vote in order to break a quorum. Volume **IV**, section **2977**.

In 1822 Mr. John Quincy Adams refused to vote on the resolution censuring Mr. Stansberry, of Ohio. Volume **II**, section **1248**.

A Member declined to vote in 1832, and the House found itself powerless to compel a vote in this as in later instances. Volume **V**, sections **5943–5945**.

A Member having declined to vote, and a question arising, the Speaker held that the pending vote should be completed and announced leaving the incidental question until after the announcement. Volume **V**, sections **5947, 5948**.

(3) By Dilatory Motions.

Finding the ordinary and proper parliamentary motions used solely for delay and obstruction, Mr. Speaker Reed ruled them out as dilatory and was sustained on appeal. Volume **V**, section **5713**.

When motions or appeals have been made with an evident purpose of obstruction the Speaker, acting under the rule, has held them dilatory, either on a point of order being made or without it. Volume **V**, sections **5715–5722**.

To prevent dilatory tactics the House adopted, under suspension of the rules, a special order for considerations of the articles impeaching President Johnson. Volume **III**, section **2414**.

The rule making the motions to adjourn, to fix the day to which the House shall adjourn, and for a recess in order at any time was dropped to prevent the continued use of those motions for purposes of obstruction. Volume **V**, section **6740**.

The constitutional right of a Member to demand the yeas and nays may not be overruled as dilatory. Volume **V**, section **5737**.

The motion to reconsider has been ruled out as dilatory when manifestly made for purpose of delay. Volume **V**, section **5735**.

The Speaker has ruled a demand for tellers dilatory when satisfied that it was made only for purposes of delay. Volume **V**, sections **5735, 5736**.

The Speaker being satisfied that a quorum was present and that a point of no quorum was made for dilatory purposes, declined to entertain it. Volume **V**, sections **5724, 5725**.

(4) Instances of.

Instance of prolonged dilatory proceeding in the House. Volume **V**, section **6738**.

An instance where the power of obstruction by dilatory motions was used to compel a direct vote on an issue. Volume **III**, section **2407**.

Instance of prolonged obstruction by the alternating of privileged motions. Volume **V**, section **5342**.

Instance of prolonged obstruction by the repetition of motions and the multiplication of roll calls. Volume **V**, section **5709**.

Instance of obstruction on an election case which forced a compromise as to another matter of legislation. Volume **II**, section **999**.

Instance wherein final action in an election case was prevented by obstruction. Volume **II**, section **1017**.

Instance illustrating the extent to which the right of obstruction was cherished as a privilege of the minority. Volume **V**, section **6047**.

Early reference to the use of debate as a method of obstruction. Volume **IV**, section **3061**.

The motion to excuse a Member from voting was a prolific source of obstruction when privileged. Volume **IV**, sections **2900, 2903**.

Instance wherein the minority party in the course of obstruction left the Hall in a body. Volume **II**, section **1034**.

OBSTRUCTION—Continued.**(4) Instances of—Continued.**

Since 1879 the Clerk, in calling the roll, has called Members by the surnames, with the prefix “Mr.,” instead of calling the full names. Volume **V**, section **6047**.

OCEAN CABLES.

Bills relating the ocean cables have been reported by the Committee on Interstate and Foreign Commerce. Volume **IV**, section **4106**.

Jurisdiction over legislation providing for regulation of interstate telegraph and telephone facilities and ocean cables has been given to the Committee on Interstate and Foreign Commerce. Volume **VII**, section **1804**.

OCEAN MAIL SERVICE.

The jurisdiction of the Committee on Post-Office and Post-Roads extends to the railway mail service, ocean mail service, pneumatic tube service, etc. Volume **IV**, section **4192**.

O’CONNELL.

The Massachusetts election case of Galvin v. O’Connell, in the Sixty-first Congress. Volume **VI**, section **126**.

O’CONNOR.

The South Carolina election case of Mackey v. O’Connor in the Forty-seventh Congress. Volume **I**, sections **735**, **736**.

The Oklahoma election case of O’Connor v. Disney, in the Seventy-second Congress. Volume **VI**, section **189**.

O’CONNOR, JOHN J., of New York, Chairman.

Decisions on questions of order relating to—

Amendment, germaneness of. Volume **VIII**, section **3024**.

Appropriations. Volume **VII**, section **1218**.

Bills. Volume **VIII**, section **2240**.

Point of order. Volume **VIII**, section **2243**.

O’FERRALL.

The Virginia election case of O’Ferrall v. Paul in the Forty-eighth Congress. Volume **II**, section **985**.

OFFENSES, IMPEACHABLE. See “Impeachment.”**OFFER OF PROOF.**

The Chief Justice held in the Johnson trial that offer of documentary proof should state its nature only, but that the Senate might order it to be read in full before acting on the objection. Volume **III**, section **2202**.

An argument by counsel for respondent against the “offer of proof” method of presenting evidence in an impeachment trial. Volume **III**, section **2169**.

The managers in the Swayne trial having offered to prove a statement made by respondent before the House committee, counsel successfully resisted the reading of the statement as part of the offer. Volume **III**, section **2169**.

OFFICERS.

(1) **Of the House and Senate.—Election of.—Constitution and rules.**

(2) **Of the House and Senate.—Election of.—Methods of.**

(3) **Of the House and Senate.—Election of.—Privilege of motion to proceed to.**

(4) **Of the House and Senate.—Election of.—Business before election of Clerk.**

(5) **Of the House and Senate.—Election of.—Postponement of order relating to.**

(6) **Of the House and Senate.—Election of.—To fill vacancy caused by resignation.**

(7) **Of the House and Senate.—Election of.—In general.**

(8) **Of the House and Senate.—Charges against, entertained as matters of privilege.**

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OFFICERS—Continued.

- (10) Of the House and Senate.—Arraignment at the bar.
 - (11) Of the House and Senate.—Removal and suspension of.
 - (12) Of the House and Senate.—Decease of.
 - (13) Of the House and Senate.—Continuance of, in a new Congress.
 - (14) Of the House and Senate.—In relation to the production of papers and giving of testimony.
 - (15) Of the House and Senate.—Immunity of, for proper official acts.
 - (16) Of the House and Senate.—Oath of.
 - (17) Of the House and Senate.—Administration of oaths by.
 - (18) Of the House and Senate.—Independent of authority of the other House.
 - (19) Of the House and Senate.—Executive duties, accountability, etc.
 - (20) Of the House and Senate.—Compensation of.
 - (21) Of the House and Senate.—Resignation of.
 - (22) Of the House.—The Speaker.—Resignation of.
 - (23) Of the House.—The Speaker.—Absence of, and Speaker pro tempore.
 - (24) Of the House.—The Clerk.—Legislative duties of.
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 - (26) Of the House.—The Clerk.—Absence of.
 - (27) Of the House.—The Sergeant-at-Arms.—Duties on the floor.
 - (28) Of the House.—The Sergeant-at-Arms.—Executive duties and absence of.
 - (29) Of the House.—The Doorkeeper.—Duties on the floor of the House.
 - (30) Of the House.—The Doorkeeper.—Executive duties of.
 - (31) Of the House.—The Postmaster.
 - (32) Of the House.—The Chaplain.
 - (33) Of the House.—Reporters of debates and committee stenographers.
 - (34) Of the executive branch.—Communications from.
 - (35) Of the executive branch.—Demanding papers from.
 - (36) Of the executive branch.—Investigations of.
 - (37) Of the executive branch.—Ceremonies relating to.
 - (38) Of the executive branch.—Presents to.
 - (39) Of the executive branch.—Constitutional provision for impeachment of.
 - (40) Of the executive branch.—As to Who may be impeached.
 - (41) Of the executive branch.—Status of President during impeachment.
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 - (43) incompatible offices.—Constitutional provision.
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 - (46) incompatible offices.—Relations to Contestants to.
 - (47) incompatible offices.—Procedure of House as to.
 - (48) incompatible offices.—In general.
 - (49) Members forbidden to hold certain offices.
 - (50) Is the Member an officer of the Government?
 - (51) State officers.
 - (52) Of the two Houses at the electoral count.
 - (53) Jurisdiction of committees over subjects relating to, etc.
 - (54) For taking testimony in election contests.
- (1) **Of the House and Senate.—Election of.—Constitution and Rules.**
 The Speaker and other officers are chosen by the House. Volume I, section 186.
 The elective officers of the House, in addition to the Speaker, are the Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain. Volume I, section 187.
 A rule, which, however, is not operative at the time the House is organized, provides that the Clerk shall call the new House to order and preside until the election of a Speaker. Volume I, section 64.

OFFICERS—Continued.**(1) Of the House and Senate.—Election of.—Constitution and Rules.—Continued.**

Pending the election of a Speaker or a Speaker pro tempore the Clerk preserves order and decorum and decides questions of order subject to appeal. Volume **I**, section **64**.

For a time the rules provided for their own continuance in a new Congress, thus affording a rule for election of officers. Volume **V**, section **6743**.

The validity of a law, passed by a preceding Congress, which proposes to govern the House as to its rules or its organization is doubtful. Volume **V**, sections **6765**, **6766**.

Effect of a provision of law as related to the constitutional right of the House to choose its own officers. Volume **IV**, section **3819**.

A majority vote is required for the election of officers of both Houses of Congress. Volume **VI**, section **23**.

The election of an officer of the Senate may be by ballot, by roll call, or by resolution. Volume **VI**, section **282**.

While the House may by simple resolution establish or abolish offices in its service, a joint resolution is required for such action affecting offices in the joint service of the House and Senate. Volume **VI**, section **36**.

The effect of the adoption and such Resolution is automatically to separate from the service of the House on the date adopted incumbents of the offices affected. Volume **VI**, section **36**.

(2) Of the House and Senate.—Election of.—Methods of.

A rule, which, however, is not in force at the time of organization, provides that all the elective officers except the Speaker shall be chosen by viva voce vote. Volume **I**, section **187**.

The Speaker, who was at first chosen by ballot, has been chosen by viva voce vote since 1839. Volume **I**, section **187**.

The adoption and object of the rule for viva voce election. Volume **V**, section **6005**.

It being proposed to elect an officer of the House, an amendment prescribing viva voce election is in order. Volume **V**, sections **6004**, **6005**.

As late as 1837 the House maintained the old usage of electing the Speaker by ballot. Volume **I**, section **209**.

The rule in relation to election by ballot does not require that method of voting. Volume **V**, sections **6004**, **6005**.

A Speaker being elected by ballot the Journal should show not only the fact but the state of the ballot or ballots. Volume **IV**, section **2832**.

The House declined to determine the choice of a Speaker by lot. Volume **I**, section **221**.

The election of officers by resolution is subject to objection, but is often permitted by unanimous consent. Volume **I**, sections **194–196**.

By unanimous consent, in 1867, the House elected its Clerk by resolution. Volume **I**, section **241**.

An election by resolution is not a compliance with the rule requiring election of officers viva voce. Volume **I**, sections **191**, **192**.

A resolution declaring certain persons elected officers of the House is at variance with the standing rule of the House. Volume **I**, section **193**.

Although a former rule of the House required a nomination before voting for certain officers, yet the Speaker refrained from ruling that votes might not be cast for persons not nominated. Volume **I**, section **197**.

On a vote for the election of an officer a Member may change his vote at any time before the announcement of the result. Volume **V**, section **5934**.

The election of an officer of the Senate is privileged and unless otherwise ordered by the Senate, balloting continues until a majority is obtained. Volume **VI**, section **281**.

(3) Of the House and Senate.—Election of.—Privilege of Motion to Proceed to.

The House often proceeds to the election of its officers as a matter of course without motion to that effect. Volume **I**, section **190**.

The motion that the House proceed to elect a Speaker is debatable unless the previous question is ordered. Volume **I**, section **213**.

OFFICERS—Continued.**(3) Of the House and Senate.—Election of.—Privilege of Motion to Proceed to—Continued.**

A resolution that the House proceed to the election of an officer presents a question of privilege.

The election of the Clerk of the House presents a question of privilege. Volume **I**, section **237**.

Although in earlier years the Chaplain was not strictly an officer of the House, his election was held to constitute a question of privilege. Volume **I**, section **273**.

A motion to proceed to the election of an officer is privileged, but it is not so with a resolution naming a certain person to fill the office. Volume **I**, section **290**.

(4) Of the House and Senate.—Election of.—Business Before Election of Clerk.

In 1867 the law of 1789 was considered as binding the House to elect a Clerk before proceeding to business. Volume **I**, section **241**.

It has been decided that notwithstanding the requirements of the act of 1789 the House may proceed to business before the election of a Clerk. Volume **I**, section **242**.

The office of Clerk becoming vacant, it was held that the House would not be organized for business until a Clerk should be elected. Volume **I**, section **237**.

A Speaker having been elected, the House has proceeded to legislative and other business before the election of a Clerk. Volume **I**, section **244**.

(5) Of the House and Senate.—Election of.—Postponement of Order Relating to.

It has been held in order to move to postpone indefinitely the further execution of an order relating to the election of officers of the House. Volume **V**, section **5318**.

The election of certain officers of the House having been postponed to a day certain, the Speaker ruled out a motion providing for their earlier election. Volume **V**, section **5308**.

(6) Of the House and Senate.—Election of.—To Fill Vacancy Caused by Resignation.

An officer of the House having resigned, the House voted to proceed to the election of his successor. Volume **I**, sections **264**, **265**.

The Clerk having resigned, the House elected his successor. Volume **I**, section **238**.

The Clerk having resigned, the House, after some intervening business, elected his successor. Volume **I**, section **239**.

Upon the death of the Sergeant-at-Arms, a Sergeant-at-Arms pro tempore was elected to serve until a successor was chosen. Volume **VI**, section **32**.

The vacancy caused by the death of the Sergeant-at-Arms was, after some delay, filled by the House by election. Volume **VI**, section **32**.

(7) Of the House and Senate.—Election of.—In General.

Election of Speaker and other officers, administration of the oath to Members and officers, notification of the President and Senate, and drawing of seats at the beginning of a Congress. Volume **I**, section **81**.

In the earlier practice of the House the Senate was notified of the election of Speaker, but not of that of other officers. Volume **I**, sections **122–125**.

In recent years all the officers have been elected before the President and Senate have been informed of the organization. Volume **I**, sections **194–196**.

Before the election of officers or the adoption of rules the House has made a rule for enforcing order in the galleries. Volume **I**, section **102**.

A candidate for the office of Secretary of the Senate was allowed to address the Senate in explanation of certain charges. Volume **I**, section **296**.

A Member of the Senate elected President pro tempore was excused from serving by vote of the Senate. Volume **II**, section **1418**.

The contest over the election of Speaker in 1923. Volume **VI**, section **24**.

A resolution declaring vacant the office of Speaker is presented as a matter of high constitutional privilege. Volume **VI**, section **35**.

OFFICERS—Continued.**(8) Of the House and Senate.—Charges Against, Entertained as Matters of Privilege.**

A charge affecting the character of an elected officer of the House was held to involve a question of privilege. Volume **III**, section **2644**.

A matter affecting the character of an officer of the House involves a question of privilege (footnote). Volume **I**, section **288**.

The request of an officer of the House for an investigation of newspaper charges against his administration is presented as a question of privilege. Volume **III**, section **2645**.

A proposition to investigate the conduct of certain officers of the House while they were officers of the preceding House was presented as a matter of privilege. Volume **III**, section **2647**.

A newspaper charge that an officer of the House had conspired to influence legislation was considered as a question of privilege. Volume **III**, section **2628**.

(9) Of the House and Senate.—Investigation of Conduct of.

A newspaper charge against the Clerk was, at the request of that officer, investigated by the House. Volume **I**, section **295**.

Charges being made against the Chief Clerk by a Member, the House ordered an investigation (footnote). Volume **I**, section **294**.

Certain charges being made against an officer of the House he petitioned for an investigation. Volume **I**, section **294**.

The late Sergeant-at-Arms having announced a deficit in his office, the House authorized investigation by a select committee. Volume **I**, section **293**.

The report of an investigating committee exonerating the Clerk was printed in full in the Journal. Volume **I**, section **295**.

The House has requested the Executive authority to prosecute one of the officers of the House. Volume **I**, section **287**.

(10) Of the House and Senate.—Arraignment at the Bar.

For misappropriation of funds the House arrested its Clerk and arraigned him at the bar. Volume **I**, section **287**.

The Journal recorded the substance of the oral answer of an officer of the House arraigned at the bar for neglect of duty. Volume **I**, section **291**.

For permitting a Member under arrest to escape, the Doorkeeper was arraigned at the bar of the House. Volume **I**, section **291**.

An officer of the House being arraigned for neglect of duty, it was voted that he might answer orally. Volume **I**, section **291**.

Interrogation of an officer, required to answer at the bar of the House, must be authorized by motion and is limited to subjects specified in that motion. Volume **VI**, section **687**.

In response to charges made in open session, an officer of the Senate appeared voluntarily at the bar and being arraigned declined counsel. Volume **VI**, section **37**.

In arraigning one of its officers the Senate declined to require that questions be reduced to writing, and elected to interrogate him orally. Volume **VI**, section **37**.

(11) Of the House and Senate.—Removal and Suspension of.

A proposition to remove an officer of the House presents a question of privilege. Volume **I**, sections **284**, **285**. Volume **VI**, section **35**.

The House by resolution dismissed its Clerk, who had been found guilty of misappropriation of public funds. Volume **I**, section **287**.

It being alleged that the Clerk was guilty of official misconduct, a resolution removing him from office was presented and entertained. Volume **I**, section **286**.

Pending examination of the Clerk on a charge of misappropriation of funds, he was suspended from the exercise of his functions. Volume **I**, section **287**.

A report from the Committee on Accounts having impeached the integrity of the Doorkeeper, the House removed him. Volume **I**, section **290**.

OFFICERS—Continued.**(11) Of the House and Senate.—Removal and Suspension of—Continued.**

Because of the misconduct of the incumbent, the office of Doorkeeper has been declared vacant, and the duties have devolved upon the Sergeant at Arms. Volume **I**, sections **288, 289**.

Charges against the Postmaster being sustained, his office was declared vacant, and his assistant was directed to perform the duties temporarily. Volume **I**, section **292**.

The resignation of the Postmaster was laid before the House while a resolution of dismissal was pending and was disregarded. Volume **I**, section **292**.

Instance wherein the Senate by resolution removed its Sergeant at Arms. Volume **VI**, section **37**.

An officer of the Senate being charged with authorship of a magazine article prejudicial to the reputations of Members of Congress, was suspended pending an investigation. Volume **VI**, section **37**.

On the removal of the Sergeant at Arms, the Deputy Sergeant at Arms succeeded to the duties of the office as Assistant Sergeant at Arms, without action by the Senate. Volume **VI**, section **37**.

The Senate having dismissed its Sergeant at Arms for cause, declined to take further punitive action. Volume **VI**, section **37**.

(12) Of the House and Senate.—Decease of.

The Clerk having died in the recess of Congress, the House was informed as soon as a quorum had been ascertained and new Members sworn in. Volume **I**, section **236**.

The Clerk having died, the House at once elected a successor, declining to have the Chief Clerk fill the vacancy temporarily. Volume **I**, section **236**.

On the announcement of the death of the Doorkeeper the House took appropriate action. Vol. **V**, section **7173**.

In 1938 the House adjourned to attend the funeral of its Doorkeeper. Volume **I**, section **266**.

The death of the Sergeant at Arms being announced, the House passed appropriate resolutions and adjourned as a mark of respect. Volume **VI**, section **32**.

The vacancy caused by the death of the Doorkeeper was, after several days, filled by the House by election. Volume **I**, section **267**.

The death of the Doorkeeper being announced, the House voted to proceed to the election of his successor at a future day. Volume **I**, section **266**.

The Postmaster having died, it was held that contracts for carrying the mails must be made by the Clerk and not by the Assistant Postmaster. Volume **V**, section **7235**.

The House appointed a committee to attend the funeral of its deceased Chaplain. Volume **V**, section **7172**.

Form of announcement to the Senate of the death of its Chief Clerk. Volume **V**, section **7175**.

(13) Of the House and Senate.—Continuance of, in a New Congress.

One Congress may not, even by statute, provide officers or employees for the service of its successor. One House may continue the tenure of an officer after the Congress for which he was appointed has expired, but a subsequent House may remove such officer and appoint another in his stead. Volume **VI**, section **36**.

The elective officers other than the Speaker continue in office until their successors are chosen and qualified. Volume **I**, section **187**.

An instance wherein certain officers of the former House continued to act through the new Congress, no successors being elected. Volume **I**, section **244**.

The House formerly provided by special rule that the Clerk should continue in office until another should be appointed. Volume **I**, section **187**.

The House, in a rule continuing the Clerk in office until the election of his successor, assumed to perpetuate its authority beyond its own existence. Volume **I**, section **235**.

The Clerk of the former House continues to act as Clerk of the new House until his successor is elected. Volume **I**, section **244**.

OFFICERS—Continued.**(13) Of the House and Senate.—Continuance of, in a New Congress—Continued.**

Discussion as to whether or not the Clerk of the former House continues until his successor is elected. Volume **I**, section **188**.

Instance wherein the House failed to elect a Doorkeeper and Postmaster, the officers of the preceding House continuing to serve. Volume **I**, section **193**.

The House having decided to postpone the election of a Doorkeeper, the Doorkeeper of the former House was held to continue in the office until his successor should be elected. Volume **I**, section **263**.

(14) Of the House and Senate.—In Relation to the Production of Papers and Giving of Testimony.

No officer or employee of the House may produce any paper belonging to the files of the House before a court without permission of the House. Volume **III**, section **2663**.

No officer or employee of the House may produce before a court, either voluntarily or in obedience to a subpoena duces tecum, any paper from the files without permission of the House first obtained. Volume **VI**, section **587**.

The House, in maintenance of its privilege, has refused to permit the Clerk to produce in court, in obedience to a summons, an original paper from the files, but has given the court facilities for making certified copies. Volume **III**, section **2664**.

No officer or employee should furnish any copy of any testimony given or paper filed on any investigation before the House or any of its committees. Volume **III**, section **2663**.

No officer or employee of the House should furnish, except by authority of the House or a statute, any copy of any paper belonging to the files of the House. Volume **III**, section **2663**.

The Senate has not considered that its privilege forbade the House to summon one of its officers as a witness. Volume **III**, section **1798**.

(15) Of the House and Senate.—Immunity of, for Proper Official Acts.

In a case where the House has the right to punish for contempt its officers may not be held liable for the proper discharge of ministerial functions in connection therewith. Volume **III**, section **1713**.

The statutes provide for the defense of any person against whom an action is brought for acts done while an officer of either House in the discharge of his duty. Volume **I**, section **283**.

The arrest by a civil magistrate of an officer of the House for an act performed in the service of the House was deemed a high breach of privilege. Volume **II**, section **1605**.

The House has assumed the expenses incurred by Members and officers in defended suits brought by persons punished by the House for contempt. Volume **III**, sections **1716**, **1717**.

(16) Of the House and Senate.—Oath of.

The elective officers of the House are sworn to support the Constitution and discharge their duties faithfully. Volume **I**, section **187**.

Origin of an obsolete requirement that the officers of the House shall be sworn to keep its secrets. Volume **I**, section **187**.

In the early days of the House two oaths were administered to the Clerk. Volume **I**, section **238**.

A Speaker elected after the organization or the House takes the oath, although he may have taken it already as a Member. Volume **I**, sections **225**, **226**.

The Speaker having resigned in 1814 his successor, when elected, took the oath. Volume **I**, section **231**.

A Speaker having resigned in 1834, his successor took the oath. Volume **I**, section **233**.

A Speaker pro tempore elected by the House is not sworn. Volume **I**, section **229**.

OFFICERS—Continued.**(16) Of the House and Senate.—Oath of—Continued.**

At first the Chaplain did not take the oath prescribed for the officers of the House. Volume **I**, sections **280–282**.

The Chaplain takes the oath prescribed for the officers of the House. Volume **VI**, section **31**.

(17) Of the House and Senate.—Administration of Oaths by.

Discussion as to the competency of the Senate to empower one of its officers to administer oaths. Volume **III**, section **2162**.

(18) Of the House and Senate.—Independent of Authority of the Other House.

Neither House may exercise any authority over a Member or officer of the other, but may complain to the other House. Volume **V**, section **5095**.

(19) Of the House and Senate.—Executive Duties, Accountability, etc.

Each of the elected officers of the House appoints the employees of his department provided by law. Volume **I**, section **187**.

It is within the power of the officers of the House to remove at will employees subject to appointment by them, and to refrain from appointing their successors. Volume **VI**, section **36**.

The officers of the House, except the Speaker, are required to make monthly certificates as to the presence of the employees on their pay rolls. Volume **V**, section **7233**.

Employees under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall generally be assigned only to the duties for which they are appointed. Volume **V**, section **7232**.

No officer or employee of the House shall be an agent for the prosecution of a claim against the Government. Volume **V**, section **7227**.

Duty of the Committee on Accounts to examine as to observance of the rule forbidding officers and employees of the House from being interested in claims. Volume **V**, section **7227**.

A declaration of the House concerning appointments by the officers of the House. Volume **V**, section **7240**.

The question as to whether an officer of the House is properly discharging the duties of his office is a legal proposition, and one which the Speaker is not called upon to decide. Volume **VI**, section **30**.

The Speaker does not assume to control the Sergeant-at-Arms in the discharge of certain official duties. Volume **VI**, section **30**.

A question as to whether or not a resolution placing the duties of one officer of the House on another involves a question of privilege (Speaker overruled). Volume **I**, section **263**.

A proposition to impose upon an officer of the House duties in addition to those prescribed by the rules is in effect an amendment of the rules, and should be acted on in the way prescribed for such amendment (Speaker overruled). Volume **V**, section **6769**.

The accountability of the officers of the House is within the jurisdiction of the Committee on Accounts. Volume **IV**, section **4329**.

No officer or agent of either House has authority to receive returned bills or messages from the President for delivery at the next session. Volume **VII**, section **1115**.

(20) Of the House and Senate.—Compensation of.

The House has insisted on its right to determine the compensation of its own officers and employees. Volume **V**, sections **7241, 7242**.

(21) Of the House and Senate.—Resignation of.

Communications announcing resignations of employees of the House from statutory offices are read and ordered to be laid on the table. Volume **VI**, section **33**.

The House does not pass upon the acceptance of resignations from statutory positions, even when it is authorized to fill such offices. Volume **VI**, section **33**.

OFFICERS—Continued.

(22) Of the House.—The Speaker.—Resignation of.

Mr. Speaker Colifax, having been elected Vice-President, resigned his Speakership on the last day of the Congress. Volume **I**, section **225**.

The Speaker having resigned no action of the House excusing him from service is taken. Volume **I**, section **232**.

Instance wherein the Speaker, following a vote upon an essential question indicating a change in the party control of the House, announced that under the circumstances it was incumbent upon the Speaker either to resign or to recognize for a motion declaring vacant the office of Speaker. Volume **VI**, section **35**.

(23) Of the House.—The Speaker.—Absence of, and Speaker Pro Tempore.

In the absence of the Speaker the House, unless it adjourn, elects a Speaker pro tempore for the day or part of the day. Volume **II**, sections **1386–1389**.

Discussion of the nature and functions of the office of Speaker pro tempore. Volume **I**, section **229**.

(24) Of the House.—The Clerk.—Legislative Duties of.

The statutes prescribe certain duties for the Clerk as to the organization of the House and the administration of its affairs. Volume **I**, section **253**.

At the organization of the House the Clerk calls the roll of Members by States in alphabetical order. Volume **I**, section **64**.

Discussion of the functions of the Clerk of the former House presiding at the organization of a new House. Volume **I**, section **67**.

In the absence of the Speaker the Clerk calls the House to order. Volume **II**, sections **1386–1389**.

The Clerk is required to note all questions of order and the decisions thereon, and print the record thereof as an appendix to the Journal. Volume **I**, section **251**.

The Clerk is required to certify to the passage of all bills and joint resolutions. Volume **I**, section **251**.

The Clerk attests and affixes the seal of the House to all writs, warrants, and subpoenas issued by order of the House. Volume **I**, section **251**.

(25) Of the House.—The Clerk.—Executive Duties of.

It is the duty of the Clerk to print the distribute the Journal. Volume **I**, section **251**.

It is the duty of the Clerk to have printed and delivered to each Member a list of the reports required to be made to Congress. Volume **I**, section **252**.

The Clerk is required to pay the officers and employees of the House on the last secular day of each month. Volume **I**, section **251**.

The Clerk is required to pay the officers and employees of the House on the first secular day of each month. Volume **VI**, section **27**.

The Clerk keeps account of disbursement of the contingent fund and the stationery accounts of Members. Volume **I**, section **251**.

The Clerk makes or approves all contracts, etc., for labor, materials, etc., for the House. Volume **I**, section **251**.

(26) Of the House.—The Clerk.—Absence of.

The Clerk desiring to be away, the House gave him leave of absence. Volume **I**, sections **246**, **247**. In case of temporary absence or disability the Clerk designates a Clerk pro tempore. Volume **VI**, section **25**.

Form of designation of a Clerk pro tempore. Volume **VI**, section **26**.

In the temporary absence of the Clerk the House has chosen a Clerk pro tempore. Volume **I**, section **248**.

There being a conflict of authority between the Clerk and another officer, the House investigated the subject. Volume **I**, section **250**.

OFFICERS—Continued.**(26) Of the House.—The Clerk.—Absence of—Continued.**

By unanimous consent, on request put through the Speaker, the Clerk was permitted to address the House on a question relating to its organization. Volume **V**, section **7297**.

(27) Of the House.—The Sergeant-at-Arms.—Duties on the Floor.

The Sergeant-at-Arms attends the sittings and, under direction of the Speaker or Chairman of the Committee of the Whole, maintains order. Volume **I**, section **257**. Volume **VI**, section **29**.

By a rule which is not adopted usually until a Speaker is elected, the Sergeant-at-Arms is directed to preserve order under the direction of the Clerk pending the election of a Speaker or Speaker pro tempore. Volume **I**, section **257**.

The Sergeant-at-Arms executes the commands of the House and all of its processes directed to him by the Speaker. Volume **I**, section **257**.

The mace is the symbol of the Sergeant-at-Arms and is borne by that officer while enforcing order on the floor. Volume **II**, section **1346**.

The Sergeant-at-Arms having resigned, the House instructed the Doorkeeper to perform the duties of the office until the beginning of the next session of Congress. Volume **I**, section **268**.

(28) Of the House.—The Sergeant-at-Arms.—Executive Duties and Absence of.

The Sergeant-at-Arms disburses the pay and mileage of Members and Delegates. Volume **I**, section **257**.

The statutes as well as the rules define the duties of the Sergeant-at-Arms, especially with reference to the disbursements made by him. Volume **I**, section **258**.

The statutes place on the Sergeants-at-Arms of the two Houses the duty of preserving the peace and security of the Capitol and the appointment and control of the Capitol police, Volume **I**, section **258**.

During the temporary disability of the Sergeant-at-Arms another was authorized to perform the duties of the office. Volume **VI**, section **32**.

(29) Of the House.—The Doorkeeper.—Duties on the Floor of the House.

The Doorkeeper is required to enforce strictly the rules relating to the privileges of the Hall and is responsible for the official conduct of his employees. Volume **I**, section **260**.

The Doorkeeper is required to clear the floor fifteen minutes before the hour of meeting of all persons not privileged to remain, and keep it cleared until ten minutes after adjournment. Volume **V**, section **7295**.

The Doorkeeper is to see that no one enters the room over the Hall of the House during its sittings. Volume **V**, section **7295**.

In 1841 the Assistant Doorkeeper ceased to be an officer of the House. Volume **I**, section **261**.

(30) Of the House.—The Doorkeeper.—Executive Duties of.

Statutes impose on the Doorkeeper various duties in addition to those prescribed by the rules. Volume **I**, section **262**.

The Doorkeeper has general charge during recess of the apartments occupied by the House. Volume **I**, section **262**.

The Doorkeeper is required at stated times to return inventories of the Government property in his possession. Volume **I**, section **262**.

The Doorkeeper has the custody of all the furniture, books, and public property in the committee and other rooms under his charge. Volume **I**, section **261**.

At the commencement and close of each session of Congress the Doorkeeper is required to make and submit to the House for examination by the Committee on Accounts an inventory of furniture, books, etc. Volume **I**, section **261**.

The Doorkeeper appoints superintendents to have charge of the folding and document rooms. Volume **I**, section **262**.

The Doorkeeper has control of the messengers on the soldiers roll. Volume **I**, section **262**.

OFFICERS—Continued.**(31) Of the House.—The Postmaster.**

The Postmaster superintends the post-office in the Capitol and House Office Building and is responsible for the prompt and safe delivery of mail. Volume **I**, section **270**. Volume **VI**, section **34**.

Creation of the office of postmaster. Volume **I**, section **269**.

The Postmaster accounts for the Government property in his possession. Volume **I**, section **271**.

(32) Of the House.—The Chaplain.

The Chaplain opens each day's sitting with prayer. Volume **I**, section **272**.

The Chaplain was not originally an officer of the House, but has been such for many years. Volume **I**, sections **275–279**.

The practice of electing a Chaplain was suspended during the Thirty-fifth Congress. Volume **I**, section **274**.

The Chaplain takes the oath prescribed for the officers of the House. Volume **VI**, section **31**.

The election of a Chaplain emeritus. Volume **VI**, section **31**.

(33) Of the House.—Reporters of Debates and Committee Stenographers.

The office of reporter of debates is created by resolution reported from the Committee on Accounts and agreed to by the House. Volume **V**, sections **6960, 6961**.

Revisions of remarks which do not materially alter the purport of the Member's statements or affect colloquies with others are admissible, but alterations or commissions productive of statements substantially different from those submitted by the Official Reporters of the House are not in order. Volume **VIII**, section **3467**.

Official stenographers to the standing committees of the House shall not furnish transcripts of testimony adduced before such committees without written authorization from the chairman of the committee. Volume **VIII**, section **3459**.

The Speaker exercises jurisdiction over the Official Reporters of the House and the committee stenographers and their assistants and substitutes. Volume **VIII**, section **3459**.

Origin of the employment of committee stenographers. Volume **V**, section **6958**.

(34) Of the Executive Branch.—Communications from.

A subordinate officer of the Government to whom the House has directed a resolution of inquiry may respond directly or through his superior. Volume **III**, sections **1908–1910**.

Secretary Stanton communicated directly to the House the fact of the President's attempt to remove him. Volume **III**, section **2408**.

(35) Of the Executive Branch.—Demanding Papers from.

Discussion of the right of the House to demand papers from a public officer. Volume **III**, section **1700**.

Discussion as to the use of the subpoena duces tecum in procuring papers from public officers. Volume **III**, section **1700**.

A committee of the House declined to prefer any charge against a public officer before requiring him to furnish certain records of his office. Volume **III**, section **1739**.

(36) Of the Executive Branch.—Investigations of.

In cases where its investigations have suggested the culpability of executive officers the House has by resolution submitted advice or request to the Executive. Volume **II**, sections **1581–1584**.

The House declined to ask of the Executive the removal of an officer whom a committee had found delinquent. Volume **III**, section **2501**.

The House having investigated charges against General Wilkinson of the Army, the results were transmitted to the President by the hands of a committee. Volume **III**, section **1727**.

OFFICERS—Continued.**(36) Of the Executive Branch.—Investigations of—Continued.**

The House sometimes directs the Speaker to certify to the Executive authority testimony taken by a House committee and affecting an official. Volume **III**, section **1785**.

The investigation into the conduct of Henry A. Smythe, collector of the port of New York. Volume **III**, section **2501**.

The investigation into the conduct of Oliver B. Bradford, late vice-consul-general at Shanghai. Volume **III**, section **2515**.

The investigation into the conduct of George F. Seward, late consul-general at Shanghai. Volume **III**, section **2514**.

The proposition to inquire into the conduct of William B. West, consul at Dublin. Volume **III**, section **2502**.

(37) Of the Executive Branch.—Ceremonies Relating to.

Eminent American soldiers have been received informally by the House. Volume **V**, sections **7076–7079**.

Observances of the House on occasions of the deaths of high officers of the Army. Volume **V**, sections **7201–7207**.

The House generally did not adjourn in tribute to the memories of high officers of the Revolution. Volume **V**, section **7211**.

Resolutions in memory of the Admiral of the Navy. Volume **V**, sections **7208–7210**.

(38) Of the Executive Branch.—Presents to.

Presents to the President or other officers were formerly placed at the disposal of Congress. Volume **II**, sections **1588, 1589**.

(39) Of the Executive Branch.—Constitutional Provision for Impeachment of.

Treason, bribery, or other high crimes and misdemeanors require removal of President, Vice-President, or other civil officers on conviction by impeachment. Volume **III**, section **2001**.

The impeachment of Judge Peck was only for “high misdemeanors in office.” Volume **III**, section **2367**.

Having found Judge Humphreys guilty, the court proceeded to pronounce judgment of removal and disqualification. Volume **III**, section **2397**.

A proposition to impeach a civil officer of the United States is presented as a question of constitutional privilege. Volume **III**, sections **2045–2048**.

After consideration, a committee concluded that an official threatened with impeachment was not in contempt for declining to be sworn as a witness or to produce documentary evidence. Volume **III**, section **1699**.

(40) Of the Executive Branch.—As to Who May Be Impeached.

Elaborate argument of the question whether or not a Senator is a civil officer within the meaning of the impeachment clause of the Constitution. Volume **III**, section **2316**.

William Blount pleaded that he was not, at the time of pleading, a Senator, and that a Senator was not impeachable as a civil officer. Volume **III**, section **2310**.

In the Blount impeachment the managers contended, although in vain, that all citizens of the United States were liable to impeachment. Volume **III**, section **2315**.

The Senate decided that it had no jurisdiction to try an impeachment against William Blount, a Senator. Volume **III**, section **2318**.

A question as to whether or not the Congressional Printer was an officer who might be impeached. Volume **III**, section **1785**.

A question as to the expediency of impeaching an officer removable by the Executive. Volume **III**, section **2501**.

In 1833 the Judiciary Committee held that a Territorial judge was not a civil officer of the United States within the meaning of the Constitution. Volume **III**, section **2493**.

In the Belknap trial the managers and counsel for respondent agreed that a private citizen, apart from offense in an office, might not be impeached. Volume **III**, section **2007**.

OFFICERS—Continued.**(40) Of the Executive Branch.—As to Who May Be Impeached—Continued.**

A question as to whether a vice-consul-general is such an officer as is liable to impeachment. Volume **III**, section **2515**.

(41) Of the Executive Branch.—Status of President During Impeachment.

At the time of the impeachment of President Johnson it was conceded that he was entitled to exercise the duties of the office until convicted by the Senate. Volume **III**, section **2407**.

Reference to argument of Senator Charles Sumner that President Johnson should be suspended during impeachment proceedings. Volume **III**, section **2407**.

(42) Of the Executive Branch.—Effect of Resignation on Impeachment Proceedings.

Discussion of the effect of resignation of the officer upon impeachment proceedings. Volume **III**, section **2509**.

Discussion as to effect of an officer's resignation after the House has investigated his conduct, but before it has impeached. Volume **III**, section **2007**.

In the Blount case it was conceded that a person impeached might not avoid punishment by resignation. Volume **III**, section **2317**.

The Senate decided, in 1876, that William W. Belknap was amenable to trial, notwithstanding his resignation of the office before his impeachment for acts therein. Volume **III**, section **2007**.

The House, after a review of English precedents, determined to impeach Secretary Belknap, although he had resigned. Volume **III**, section **2445**.

The committee reported a resolution for the impeachment of Secretary Belknap, although they had been informed of his resignation of the office. Volume **III**, section **2444**.

The Senate decided that it had jurisdiction to try the Belknap impeachment case, although the respondent had resigned the office. Volume **III**, section **2459**.

Judge Irwin having resigned before the report of an investigation, the House discontinued proceedings. Volume **III**, section **2500**.

Judge William Stephens having resigned his office, the House discontinued its inquiry into his conduct. Volume **III**, section **2489**.

(43) Incompatible Offices.—Constitutional Provision.

No person holding any office under the United States shall be a Member of either House during his continuance in office. Volume **I**, section **485**.

Discussion of the meaning of the word "officer" in the constitutional provision relating to the qualifications of Members. Volume **I**, section **496**.

Conclusion of the Judiciary Committee that the member of a commission created by law to investigate and report, but having no legislative, judicial, or executive powers, was not an officer within the meaning of the constitutional inhibition. Volume **I**, section **493**.

Visitors to academies, regents, directors, and trustees of public institutions, appointed by the Speaker under the law, are not regarded as officers within the meaning of the constitutional inhibition. Volume **I**, section **493**.

The House has distinguished between the performance of paid services for the Executive by a Member and the acceptance of an appointment to an incompatible office. Volume **I**, section **495**.

A Member who was appointed to assist a United States attorney in certain cases was held not to be disqualified as a Member of the House. Volume **II**, section **993**.

(44) Incompatible Offices.—Instances of Members Disqualified by Holding.

A Member who had been appointed a militia officer in the District of Columbia by the President was deprived of his seat in the House. Volume **I**, section **486**.

In 1847 Thomas W. Newton presented credentials showing his election in place of Archibald Yell, of Arkansas, who was an officer in the Army, and was admitted on his prima facie right. Volume **I**, section **489**.

OFFICERS—Continued.**(44) Incompatible Offices.—Instances of Members Disqualified by Holding—Continued.**

The Elections Committee found that Thomas W. Newton, already seated on prima facie showing, was entitled to the seat made vacant by Archibald Yell's acceptance of an office in the Army. Volume I, section 489.

The case relating to the alleged disqualification of Messrs. Blair and Schenck in the Thirty-eighth Congress. Volume I, section 492.

In 1898 the Judiciary Committee found that four Members, by accepting commissions in the Army and being mustered into the service after taking the oath as Representatives, thereby vacated their seats. Volume I, section 494.

The House has declined to hold that a contractor under the Government is constitutionally disqualified to serve as a Member of the House. Volume I, section 496.

(45) Incompatible Offices.—Relation of Member-elect to.

After a careful consideration of the status of a Member-elect, the House decided that such an one was not affected by the constitutional requirement that an officer of the United States shall not be a Member. Volume I, section 499.

Discussion of the status of a Member-elect in relation to the law prohibiting the holding of two offices of certain salaries, with the conclusion that it is distinguished from the status of the Member who has qualified. Volume I, section 184.

A Member-elect may defer until the meeting of the Congress his choice between the seat and an incompatible office. Volume I, section 492.

A Member-elect was held to have disqualified himself by continuing to hold an incompatible office after the meeting of the Congress. Volume I, section 492.

A Member-elect who continued in the office of postmaster after his election, but resigned before taking his seat, was held to be entitled to the seat. Volume I, section 498.

(46) Incompatible Offices.—Relations of Contestants to.

The House has manifestly leaned to the idea that a contestant holding an incompatible office need not make his election until the House has declared him entitled to the seat. Volume I, section 505.

A contestant employed after the election as assistant to a United States district attorney was held qualified to be seated, especially as his employment ceased before Congress met. Volume I, section 46.

Although a contestant had accepted and held a State office in violation of the State constitution, if he were really elected a Congressman, the House did not treat his contest as abated. Volume II, section 1003.

A Member being appointed to an incompatible office a contestant not found to be elected was not admitted to fill the vacancy. Volume I, section 807.

(47) Incompatible Offices.—Procedures of House as to.

A resolution declaring vacant the seat of a Member who has accepted an incompatible office may be agreed to by a majority vote. Volume I, section 504.

A Member charged with acceptance of an incompatible office was heard in his own behalf during the debate. Volume I, section 486.

Form of resolution declaring vacant the seat of a Member who had become an officer in the Army. Volume I, section 490.

(48) Incompatible Offices.—In General.

Summary of instances wherein Members of the House and Senate have been appointed by the Executive to commissions (footnote). Volume I, section 493.

The House, after debate, called on the President for a list of appointments of Members of Congress to offices (footnote). Volume III, section 1864.

The Committee on the Judiciary has reported bills relating to the meeting of Congress, the attendance of Members, and their appointment to incompatible offices. Volume IV, section 4077.

OFFICERS—Continued.**(49) Members Forbidden to Hold Certain Offices.**

In 1815 the House questioned the constitutional right of a Member to accept an appointment as commissioner under the terms of a treaty, the office being created during the period of his membership. Volume **I**, section **506**.

(50) Is the Member an Officer of the Government?

Discussion as to whether or not a Member is an officer of the Government. Volume **I**, section **417**.

In 1900, in a sustained report, the majority of the committee held that a Member of Congress was an officer, subject to statutory disqualifications as such. Volume **I**, section **478**.

In 1901, in a divided report, the Judiciary Committee discussed the status of the Member-elect, the major opinion being that he was as much an officer of the Government before taking the oath as afterwards. Volume **I**, section **185**.

Senators can not properly be said to hold their places "under the Government of the United States." Volume **II**, section **1282**.

Elaborate argument of the question whether or not a Senator is a civil officer within the meaning of the impeachment clause of the Constitution. Volume **III**, section **2316**.

(51) State Officers.

Discussion of the powers of a military governor and his status as a de facto executive. Volume **I**, section **379**.

A subject being within the power of the House to investigate, it was held that State officers might not decline to produce records on the plea that they possessed them in their official capacities. Volume **III**, section **1698**.

(52) Of the two Houses at the Electoral Count.

The statutes give directions for seating the officers and Members of the two Houses at the counting of the electoral votes. Volume **III**, section **1919**.

(53) Jurisdiction of Committees Over Subjects Relating to, etc.

The Committee on the Judiciary has reported bills prohibiting the desecration of the national flag and dealing with refusal of public officers to execute acts of Congress. Volume **IV**, section **4055**.

Bills relating to the titles, conduct, and licensing of officers of vessels under the more recent practice have been considered by the Committee on Merchant Marine and Fisheries. Volume **IV**, section **4139**.

The Committee on Reform in the Civil Service has exercised a general jurisdiction over bills relating to the status of officers, clerks, and employees in the civil branches of the Government. Volume **IV**, section **4297**.

Bills relating to leaves of absence of officers and clerks of the Government have been considered by the several Committees on Expenditures. Volume **IV**, section **4319**.

The rule gives to the several Committees on Expenditures jurisdiction of the pay of officers, abolition of useless offices, and the economy and accountability of officers. Volume **IV**, section **4315**.

Legislative propositions relating to the fees and salaries of officers and employees of the Government have been considered by the various Committees on Expenditures. Volume **IV**, section **4317**.

The Committees on Expenditures in the Several Departments have reported bills creating and abolishing offices and employments. Volume **IV**, section **4318**.

The limitation permitted on a general appropriation bill must be in effect a negative prohibition on the use of the money, not an affirmative direction to an executive officer. Volume **IV**, section **3975**.

A specific appropriation for designated officials of an exposition at stated salaries, there being no prior legislation establishing such positions or salaries, was held out of order, although a general appropriation for the exposition was authorized by law. Volume **IV**, section **3878**.

OFFICES—Continued.**(54) For Taking Testimony in Election Contests.**

Testimony in an election case being taken before a person who had ceased to be a notary, but none of the parties or witnesses being aware of this until nearly all the evidence was in, the House considered it. Volume **II**, section **1086**.

Testimony taken before justices of the peace was admitted, although the sitting Delegate had protested that they were not legally authorized and had declined to attend. Volume **II**, section **852**.

As to authority of a mayor to administer oaths in taking testimony under the law of **1851**.

Where a minor may not hold an office, may such minor, as a notary, take testimony in an election case. Volume **II**, section **1049**.

The ballots are among the papers of which the officer taking testimony in an election case may demand the production. Volume **II**, section **1044**.

May a notary, acting under the authority of the law of 1851, require the production of ballots against the injunction of the State court. Volume **II**, section **1070**.

The law regulating the fees of witnesses and officers in the preparation of an election case. Volume **I**, section **706**.

It was held in 1866 that proof of service of notice of contest might not be by affidavit of the officer serving the notice. Volume **II**, section **862**.

OFFICES. See also "House Office Building."

- (1) **Of the House.**
- (2) **Power of appointment to, not generally vested in Congress.**
- (3) **Bills relating to.—Jurisdiction of committees.**
- (4) **Bills relating to.—Consideration in Committee of the Whole.**
- (5) **Bills relating to.—In relation to appropriations.**
- (6) **Members forbidden to hold certain.**
- (7) **Incompatible.—Constitutional provision as to Members holding.**
- (8) **Incompatible.—Decisions by the House as to.**
- (9) **Incompatible.—Procedure in considering cases relating to.**
- (10) **Incompatible.—In general.**

(1) Of the House.

Dignity of the Speaker's office and principles governing its administration. Volume **II**, sections **1307-1309**.

The Clerk furnishes stationery to the several committees and to the officers of the House. Volume **II**, sections **1161, 1162**.

(2) Power of Appointment to, not Generally Vested in Congress.

The power of appointment to office belongs to the President, and Congress by law may not declare one an officer who is not such in fact. Volume **II**, section **1595**.

(3) Bills Relating to.—Jurisdiction of Committees.

The rule gives to the several committees on expenditures jurisdiction of the pay of officers, abolition of useless offices, and the economy and accountability of officers. Volume **IV**, section **4315**.

(4) Bills Relating to.—Consideration in Committee of the Whole.

A bill creating a new office requires consideration in Committee of the Whole. Volume **IV**, sections **4824, 4846**.

A bill increasing the number of officers in a branch of the Government service should be considered in Committee of the Whole. Volume **IV**, section **4847**.

(5) Bills Relating to.—In Relation to Appropriations.

The mere appropriation for a salary does not thereby create an office so as to justify appropriations in succeeding years. Volume **IV**, sections **3590, 3672**.

OFFICES—Continued.**(5) Bills Relating to.—In Relation to Appropriations—Continued.**

The law authorizing the heads of Departments to employ such clerks as may be appropriated for does not apply to officers not allotted to Departments or to officers not at the seat of government. Volume **IV**, sections **3670–3674**.

The law having established an office and fixed the salary, it is not in order on an appropriation bill to provide for an unauthorized office and salary in lieu of it. Volume **IV**, section **3680**.

(6) Members Forbidden to Hold Certain.

No Member may, during the term for which he was elected, be appointed to any office which shall have been created for the emoluments of which shall have been increased during such term. Volume **I**, section **485**.

(7) Incompatible.—Constitutional Provision as to Members Holding.

No person holding any office under the United States shall be a Member of either House during his continuance in office. Volume **I**, section **485**.

Discussion as to what constitutes “a person holding office under the United States” within the meaning of the Constitution. Volume **II**, section **993**.

Discussion of the meaning of the words “offices” as used in the constitutional provision prohibiting the Member from holding such as are incompatible. Volume **I**, section **493**.

Reference to an early discussion of the appointment of Members of the House to executive offices. Volume **I**, section **495**.

A Senate discussion as to incompatible offices and as to cases wherein the acceptance of one creates a vacancy in another. Volume **I**, section **563**.

(8) Incompatible.—Decisions by the House as to.

A Member having informed the House of his acceptance of an incompatible office, the House has assumed or declared the seat vacant. Volume **I**, sections **501, 502**.

A Member, Samuel Hammond, having accepted an Executive appointment, the House declared his seat vacant. Volume **I**, section **487**.

In the cases of Baker and Yell the Elections Committee held that the acceptance of a commission as an officer of volunteers in the national Army vacated the seat of a Member. Volume **I**, section **488**.

A Member who had been mustered into the military service of the United States was held by the Elections Committee to have forfeited his right to a seat. Volume **I**, section **490**.

The House seated a person bearing regular credentials on ascertaining that his predecessor in the same Congress had accepted a military office. Volume **I**, section **572**.

A collector of the Federal direct tax whose office expired after his election but before he took his seat as a Member of the House was held entitled to the seat. Volume **I**, section **497**.

Opinion of the Judiciary Committee that when a Member-elect retains an incompatible office and does not qualify a vacancy exists in his seat. Volume **I**, section **500**.

A Member-elect who held a commission in the Army and had not taken the oath or his seat in the House, having resigned, a question arose as to when the compensation of his successor should begin. Volume **I**, section **500**.

A Senator-elect who had before qualifying exercised the authority of an army officer de facto was held not to have vacated his seat. Volume **I**, section **491**.

Although a Member had resigned, the House proceeded to inquire whether or not his acceptance of an incompatible office had vacated his title to the seat. Volume **III**, section **2590**.

A contestant having withdrawn his contest and accepted an office incompatible with membership, the House confirmed the title of sitting Member. Volume **I**, section **746**.

The acceptance after election of a State office, which was resigned before the meeting of Congress, was held not to destroy whatever rights a contestant might have. Volume **I**, section **779**.

OFFICES—Continued.**(9) Incompatible.—Procedure in Considering Cases Relating to.**

A Member charged with the acceptance of an incompatible office was heard in his own behalf during the debate. Volume **I**, section **486**.

A Member having disqualified himself by accepting an office in the Army, a resolution for his exclusion may be agreed to by majority vote. Volume **I**, section **490**.

Form of resolution declaring vacant the seat of a Member who had become an officer in the Army. Volume **I**, section **488**.

Form of resolution declaring vacant the seat of a Member-elect who has accepted an incompatible office. Volume **I**, section **492**.

(10) Incompatible.—In general.

The House has investigated the constitutional right of a Senator to perform services for the Executive. Volume **I**, section **495**.

An opinion of the Judiciary Committee that persons on the retired list of the Army do not hold office under the United States in the constitutional sense. Volume **I**, section **494**.

No Senator or Representative or person holding an office of trust or profit under the United States may be appointed an elector. Volume **III**, section **1911, 1912**.

A manager of an impeachment having accepted an incompatible office the House chose a successor. Volume **III**, section **2306**.

Instance wherein a Senator-elect continued to act as governor of a State after the assembling of the Congress to which he had been elected. Volume **I**, section **503**.

The clerk of a committee being appointed a postmaster was held to be entitled to his salary as clerk until his successor was appointed, although his salary as postmaster had already begun. Volume **IV**, section **4538**.

OFFICIAL COGNIZANCE.

The House may take official cognizance of a paper listened to by the Committee of the Whole in attendance on an impeachment trial. Volume **III**, section **2042**.

OFFICIAL REPORTERS.

The Speaker appoints the official reporters of debates and stenographers of committees. Volume **V**, section **6958**.

The Speaker supervises the work of the official reporters and stenographers and may remove for cause. Volume **V**, section **6958**.

No rule requires the official reporters to insert in full in the Record every resolution or other proposition offered by a Member, regardless of the attendant circumstances. Volume **V**, section **6967–6969**.

A Member may not, in a controversy over a proposed correction of the Record, demand the reading of the reporter's notes of the preceding day. Volume **V**, section **6967**.

A Member is not entitled to inspect the reporter's notes of remarks not reflecting on himself delivered by another Member and withheld for revision. Volume **V**, section **6964**.

O'GRADY, JAMES M. E. of New York, Chairman.

Decisions on questions of order relating to—

Continuation of a public work. Volume **IV**, section **3752**.

Limitations on appropriation bill. Volume **VI**, section **4014**.

O'HARA.

The North Carolina election case of O'Hara v. Kitchin in the Forty-sixth Congress. Volume **I**, section **730**.

OHIO.

House election cases from:

Fifteenth Congress.—Hammond v. Herrick. Volume **I**, section **499**.

Twenty-third Congress. William Allen. Volume **I**, section **729**.

Thirty-fifth Congress.—Vallangigham v. Campbell. Volume **I**, section **726, 835**.

Ohio—Continued.

House election cases from—Continued.

- Thirty-ninth Congress.—Follett v. Delano. Volume **II**, sections **862, 863**.
- Fortieth Congress.—Delano v. Morgan. Volume **II**, sections **864–866**.
- Forty-third Congress.—Eggleston v. Strader. Volume **II**, section **878**.
- Forty-eighth Congress.—Campbell v. Morey. Volume **II**, sections **991–992**.
- Forty-eighth Congress.—Wallace v. McKinley. Volume **II**, sections **986–989**.
- Forty-ninth Congress.—Hurd v. Romeis. Volume **II**, section **1000, 1001**.
- Fifty-seventh Congress.—Lentz v. Tompkins. Volume **II**, section **1125**.

Senate election cases from:

- Forty-ninth Congress.—Henry B. Payne. Volume **I**, section **691**.
- Fifty-sixth Congress.—Marcus A. Hanna. Volume **I**, section **691**. (footnote).

OKLAHOMA.

House election case from:

- Fifty-eighth Congress.—Cross v. McGuire. Volume **I**, section **732**.
- Sixty-fifth Congress.—Davenport v. Chandler. Volume **VI**, section **149**.
- Seventy-second Congress.—O'Conner v. Disney. Volume **VI**, section **189**.

OLCOTT, J. VAN V., of New York, Speaker pro tempore and Chairman.

Decision on question of order relating to—

- Limitations on appropriations. Volume **VI**, section **3917**.
- Recognition. Volume **VIII**, section **2683**.

OLDS, EDSON B., of Ohio, Chairman.

Decisions on questions of order relating to—

- Five-minute debate. Volume **V**, section **5242**.
- Lay on the tables, motion to. Volume **VI**, section **4719**.

OLEOMARGARINE.

Bills imposing an internal-revenue tax on oleomargarine are, by action of the House, included within the jurisdiction of the Committee on Agriculture. Volume **IV**, section **4156**.

A bill affecting the internal-revenue tax on oleomargarine has been reported from the Committee on Agriculture. Volume **II**, section **1455**.

While the Committee on Agriculture has jurisdiction of revenue legislation affecting oleomargarine, the Ways and Means Committee has retained jurisdiction as to revenue bills affecting tobacco, lard, cheese, etc. Volume **IV**, section **4022**.

OLMSTED, MARLIN E., of Pennsylvania, Chairman.

Decisions on questions of order relating to—

- Adjourn, motion to. Volume **VIII**, section **2642**.
- Amendment. Volume **II**, section **1332, 1334**. Volume **V**, sections **5766, 5768, 5770, 6880**. Volume **VII**, section **782**. Volume **VIII**, section **3434**.
- Amendment, germaneness of substitute. Volume **VIII**, section **2974, 2999**.
- Amendments germane. Volume **V**, section **5916**. Volume **VI**, section **257**. Volume **VII**, section **1203, 1417**.
- Amendments not germane. Volume **V**, section **5808, 5857, 5858, 5860, 5903**.
- Appropriations. Volume **IV**, section **3716**. Volume **VII**, sections **1134, 1136, 1153, 1204, 1205, 1206, 1314, 1341, 1365, 1375, 1393, 1629, 1644, 1704, 1708**.
- Appropriations for salaries. Volume **IV**, sections **3683, 3692, 3695, 3698**.
- Army bill. Volume **IV**, section **4182**.
- Authorization of appropriations. Volume **IV**, sections **3583, 3651, 3659, 3660, 3664–3667, 3669, 3671, 4739**.
- Bills. Volume **VIII**, section **374**.
- Committee of the Whole. Volume **IV**, sections **4756, 4782**.

OLMSTED, MARLIN E., of Pennsylvania, Chairman—Continued.

Decisions on questions of order relating to—Continued.

Conferences. Volume **VIII**, section **3287**.

Continuation of a public work. Volume **IV**, sections **3710–3713, 3716, 3739, 3740, 3748, 3763, 3786, 3787**.

Debate. Volume **V**, section **5148**. Volume **VIII**, sections **2530, 2590**.

Debate. Volume **V**, section **5148**. Volume **VIII**, sections **2530, 2590**.

Division of question. Volume **V**, section **6132**.

Enacting clause, motion to strike out. Volume **V**, section **5335**.

Five-minute rule. Volume **IV**, section **4747**.

General debate. Volume **V**, section **5237**.

Legislation on appropriation bills. Volume **IV**, sections **3828, 3832, 3835, 3855, 3858**.

Limitations on appropriations. Volume **IV**, sections **3929, 3954, 3960, 3975, 3977** (footnote), **4012**. Volume **V**, section **5903**.

Motion. Volume **VIII**, section **2332**.

Points of order. Volume **IV**, section **3716**. Volume **V**, sections **5149, 6883, 6898**.

Quorum. Volume **IV**, section **2948**. Volume **VI**, sections **640, 659, 674, 682, 686**.

Reconsider, motion to. Volume **IV**, section **4718**.

River and harbor bill. Volume **IV**, section **4121**.

Roll call. Volume **VIII**, section **3131**.

Rules. Volume **IV**, section **3579**.

Senate amendments. Volume **V**, sections **6169, 6192, 6194, 6195**.

Tellers. Volume **V**, section **6000**.

Text to which both Houses have agreed. Volume **V**, section **6182**.

Unanimous consent. Volume **II**, section **1137**.

OMNIBUS BILL.

A committee having reported a public bill grouping together the authorization of several distinct works, all within the jurisdiction of the committee, it was held that no point of order could be sustained when the bill came up in Committee of the Whole. Volume **IV**, sections **4656, 4657**.

A committee having reported a private bill grouping together a series of claims, each belonging to the jurisdiction of the committee, it was held that no point of order could be sustained when the bill came up in Committee of the Whole. Volume **IV**, section **4784**.

Form of special order for consideration of an omnibus claims bill in the House and in Committee of the Whole, with arrangement for purging the bill of unauthorized items. Volume **IV**, section **3251**.

O'NEIL, JOSEPH H., of Massachusetts, Speaker Pro Tempore and Chairman.

Decisions on questions of order relating to—

Legislation on appropriation bills. Volume **IV**, section **3723**.

Reconsider, motion to. Volume **V**, section **5625**.

O'NEILL, ELECTION CASE OF.

The Missouri election case of O'Neill v. Joy in the Fifty-third Congress. Volume **II**, section **1047**.

OPENING ADDRESSES.

In an impeachment trial the case is opened by one person on each side. Volume **III**, section **2132**.

In the opening address in an impeachment trial it is proper to outline what it is expected to prove, but it is not proper to quote evidence which may not be admissible later. Volume **III**, section **2133**.

The opening address in an impeachment trial should be confined to what is to be proven and how it is to be proven, and should not include extended argument on the whole case, Volume **III**, section **2134**.

The opening addresses of managers and counsel in the Johnson trial. Volume **III**, section **2433**.

OPENING ADDRESS—Continued.

The opening address in the Johnson trial discussed constitutional questions and outlined evidence. Volume **III**, section **2433**.

In impeachment trials witnesses are ordinarily required to state facts, not opinions. Volume **III**, sections **2248–2251**.

In the Peck trial a witness was not permitted to testify to general public opinion on a subject not closely related to respondent's act. Volume **III**, section **2280**.

In the Belknap trial objection was successfully made to an opinion of a subordinate officer as to evidence of the character of respondent's administration. Volume **III**, section **2256**.

A witness was permitted in the Belknap trial to give in answer a conclusion derived from a series of facts. Volume **III**, section **2257**.

In the Swaine trial the opinion of witnesses, including answers to questions of mixed law and facts, were excluded. Volume **III**, sections **2253–2255**.

It was decided in the Belknap trial that a question to a witness might not be so framed that the answer might imply an opinion. Volume **III**, section **2252**.

The voting on the articles in the Belknap impeachment was without debate, but each Senator was permitted to file an opinion. Volume **III**, section **2466**.

There is no constitutional objection to the election of a Member of the Board of Managers of the Soldiers' Home, although in the opinion of the Attorney General such election appears contrary to public policy. Volume **VI**, section **63**.

Opinion of the Attorney General on the law authorizing the franking of public documents. Volume **VI**, section **221**.

Opinion of the Attorney General as to construction of the statute forbidding Members being interested in contracts. Volume **VI**, section **225**.

The President, in the opinion of the Attorney General, has the power to approve bills after adjournment sine die of the Congress which has passed them, but within 10 days (Sundays excepted) after they have been presented to him. Volume **VII**, section **1088**.

OPTIONS.

Bills to discourage fictitious and gambling transactions in farm products have been considered within the jurisdiction of the Committee on Agriculture, even when an internal-revenue question was included. Volume **IV**, section **4161**.

ORAL ACCUSATION.

The Committee, in impeaching, usually pass a resolution containing a criminal charge against the accused and direct a member to impeach him by oral accusation before the Lords. Volume **III**, section **2026**.

ORAL TESTIMONY.

The House, in 1834, reversed the decision of its committee that recorded votes on the poll book could not be changed by oral testimony. Volume **I**, section **55**.

ORDER. See also "Debate," "Sergeant-at-Arms," and "Speaker,"

- (1) **On the floor of the House.**
- (2) **In the galleries.**
- (3) **Disorder.—In general.**
- (4) **Disorder—Assaults.**
- (5) **Special preparations to preserve.**
- (6) **Preservation of, during the electoral count.**

(1) On the Floor of the House

A description of the decorum of House and Senate in early days (footnote). Volume **II**, section **1344**.

An early comparison of the decorum of the House of Representatives with that of the House of Commons. Volume **V**, section **5445**.

ORDER—Continued.**(1) On the Floor of the House—Continued.**

There is no adjournment until the Speaker pronounces it, and no Member should leave his place until the Speaker has passed on. Volume **V**, section **5360**.

Extreme disorder arising on the floor, the Speaker directed the Sergeant-at-Arms to enforce order with the mace. Volume **VI**, section **258**.

The Sergeant-at-Arms attends the sitting of the House, and under direction of the Speaker or Chairman maintains order. Volume **VI**, section **29**.

(2) In the Galleries.

The Speaker having declined to order the galleries to be cleared, a motion to effect that purpose was offered from the floor and entertained. Volume **II**, section **1353**.

Rigid enforcement of the rule relating to disturbance in the galleries. Volume **II**, section **1352**.

Before the power was given by rule it was decided that the Committee of the Whole had no power to preserve order in the galleries. Volume **V**, section **7303**.

A spectator in the gallery having created disturbance, the Speaker ordered his arrest. Volume **II**, section **1605**.

To obviate the necessity of clearing the galleries the Senate authorized the Sergeant-at-Arms to arrest any person disturbing the proceedings. Volume **V**, section **7311**.

Disorder occurring in the galleries during the Johnson trial, they were cleared. Volume **III**, section **2434**.

A point of order being raised against an interruption from the galleries, the Speaker admonished the galleries. Volume **VI**, section **259**.

The Speaker may cause the galleries to be cleared in case of disorder therein. Volume **II**, section **1343**.

The Chairman of the Committee of the Whole may cause the galleries or lobby to be cleared in case of disturbance or disorderly conduct therein. Volume **IV**, section **4704**.

A spectator in the Senate gallery having addressed remarks to the floor, the Vice President directed the Doorkeeper to remove him. Volume **VI**, section **260**.

(3) Disorder.—In General.

The intervention of other business does not prevent the House from taking up and dealing with a breach of privilege (footnote). Volume **II**, section **1647**.

The reading of the Journal, being interrupted by disorder, was resumed as soon as the House had taken action to restore order. Volume **IV**, section **2759**.

Although a breach of privilege occur in Committee of the Whole, it yet relates to the dignity of the House, and is so treated. Volume **II**, section **1657**.

When Member apologize for disorderly proceedings which the House has allowed to pass without taking action, the apology has not usually been entered on the Journal. Volume **II**, sections **1658–1662**.

An insult to the Speaker has been held to raise a question of privilege not governed by the ordinary rule about taking down disorderly words as soon as uttered. Volume **II**, section **1248**.

During consideration of a resolution to censure a Member for disrespect for the Speaker the Member likewise assailed the Speaker pro tempore, whereupon the Speaker resumed the chair while the House acted on the latest breach of privilege. Volume **II**, section **1366**.

A Member having defied and insulted the Chairman of the Committee of the Whole, the Chairman left the chair and, on the chair being taken by the Speaker, reported the facts to the House. Volume **II**, section **1653**.

A Member having defied the authority of the Chairman in Committee of the Whole, the latter directed the committee to rise and, after the Speaker had taken the chair, reported the occurrence to the House. Volume **II**, section **1350**.

In early and infrequent instances of misunderstandings and disorder in the Senate no action was taken beyond investigation. Volume **II**, sections **1663**, **1664**.

ORDER—Continued.**(4) Disorder.—Assaults.**

Three Members of the House were ordered to the bar of the House to answer for a contempt of privilege in being present at and assisting in an assault between two other Members. Volume **II**, section **1654**.

The House has frequently allowed personal difficulties arising in debate and even violent assaults to pass without notice, the Members concerned making apologies either personally or through other Members. Volume **II**, sections **1658–1662**.

From Members between whom warm words or an assault has passed on the floor the House has exacted apologies. Volume **II**, sections **1646–1647**.

For an assault during debate in Committee of the Whole the House, after expulsion had been suggested, exacted apologies from two Members. Volume **II**, section **1657**.

Warm words and an assault having passed between two Members in Committee of the Whole, the House required them to apologize “for violating its privileges and offending its dignity.” Volume **II**, section **1648**.

Two Members having assaulted one another in Committee of the Whole, the House appointed a committee of inquiry, although the two Members had severally explained to the House and reconciled their quarrel. Volume **II**, section **1651**.

An apology of Members for an assault committed in Committee of the Whole was not placed in the Journal. Volume **II**, section **1652**.

Two Members having assaulted one another in Committee of the Whole, the House declined to permit the committee to resume its sitting until a committee to investigate the facts of the disorder had been appointed. Volume **II**, section **1649**.

Two Members having created disorder in Committee of the Whole by an encounter, the Speaker took the chair and restored order and the House immediately referred the subject to a select committee. Volume **II**, section **1650**.

An assault occurring between two Members in Committee of the Whole, the committee rose and the Speaker restored order before receiving the report. Volume **II**, section **1652**.

Members who had committed an assault in Committee of the Whole apologized to the House, although the chairman of the committee had made no report of the occurrence. Volume **II**, section **1652**.

(5) Special Preparations to Preserve.

By concurrent resolution the two Houses authorized their Sergeants-at-Arms to appoint special police for an important occasion. Volume **V**, section **7243**.

In times of great interest the House sometimes makes a special rule for admission to the galleries, Volume **V**, section **7303**.

(6) Preservation of, During the Electoral Count.

The President of the Senate preserves order in the joint meeting for the count of the electoral vote. Volume **III**, section **1921**.

Disorder arising in the joint meeting during the electoral count of 1869, the Speaker called Members of the House to order and directed the Sergeant-at-Arms to assist. Volume **III**, section **1950**.

ORDER OF BUSINESS. See “Business,” “Calendars,” “District of Columbia,” “Journal,” “Rules, Suspension of” “Speaker’s Table,” “Special Orders,” “Unanimous Consent,” and “Unfinished Business.”

ORDER, POINTS OF. See “Points of Order.”

ORDER TO PRINT.

The Congressional order to print must expressly authorize the printing of illustrations which are parts of documents or reports. Volume **V**, section **7320**.

ORDERS. See also "Special Orders."

- (1) **Form of expression of will of the House.**
- (2) **Reconsideration of, when partially executed.**
- (3) **Standing orders.**
- (4) **Orders of the day.**

(1) Form of Expression of Will of the House.

The commands of the House should be expressed by an "order." Volume **IV**, section **3380**.

Form of ordering word of an order. Volume **IV**, section **3380**.

In general orders, resolutions, and votes, in which the concurrence of the two Houses is necessary, must be presented to the President on the same condition as bills. Volume **IV**, section **3482**.

Dicta to the effect that one House may not prescribe orders for its successor. Volume **VIII**, section **3336**.

The rules and orders of a previous Congress are not in effect until adopted by the sitting House. Volume **VIII**, section **3383**.

Neither House may by order or simple resolution infringe upon the prerogatives vested by law in the Joint Committee on Printing. Volume **VII**, section **2097**.

(2) Reconsideration of, When Partially Executed.

The motion to reconsider the vote whereby an order of the House had been agreed to was admitted, although the execution of that order had begun. Volume **V**, section **5665**.

Instance of the reconsideration of an order which had been partly executed. Volume **III**, section **2028**.

(8) Standing Orders.

In the early practice an order of the House relating to disposition of business did not continue in the next session (footnote). Volume **IV**, section **3345**.

Discussion as to the distinction between a special order and a standing order. Volume **V**, section **5323**.

The resolution of the House fixing the hour of daily meeting is a standing order rather than a rule. Volume **I**, sections **116**, **117**.

A resolution changing or construing a standing rule or order is in order only when presented in the manner prescribed for changing the rules. Volume **V**, sections **6778**, **6779**.

The House has by standing order provided that it should meet on two days only of each week instead of daily. Volume **V**, section **6675**.

The House is governed by the rules of Jefferson's Manual in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the House. Volume **V**, section **6757**.

The motion to recess to the regular hour of meeting on the succeeding day is not admissible because in contravention of a standing order of the House, but if taken to such hour, the House when convened is still in session as of the preceding day. Volume **VIII**, section **3356**.

(4) Orders of the Day.

Discontinuance of the use of "orders of the day" for controlling the order of business. Volume **IV**, section **3057**.

The House has long since discarded the use of the parliamentary motion to proceed to the orders of the day. Volume **V**, section **5301**.

OREGON.

House election cases from:

Thirty-seventh Congress.—Shiel *vs.* Thayer. Volume **I**, sections **613**, **846**.

Fifty-fifth Congress.—Vanderburg *vs.* Tongue. Volume **II**, sections **1100**.

Senate case from:

Forty-fifth Congress. Lafayette Grover. Volume **I**, section **552**.

OREGON—Continued.

There being conflicting electoral certificates from Oregon in 1877, the Electoral Commission decided in favor of the electors whom the secretary of state legally certified as having the highest number of votes, although the governor had issued a certificate to others. Volume **III**, section **1975**.

An elector, disqualified by reason of holding another office, resigned both offices, whereupon he was made eligible to fill the vacancy thus caused among the electors. Volume **III**, section **1975**.

ORGANIZATION. See also “Caucus,” “Clerk,” “Oath” “Officers,” and “Speaker.”

- (1) **Place of meeting.**
- (2) **Time of meeting.—The constitutional day.**
- (3) **Time of meeting.—When fixed by law or proclamation.**
- (4) **Time of meeting.—The hour.**
- (5) **Procedure of Members-elect during.**
- (6) **Rules of procedure during.**
- (7) **Status of the Member-elect before.**
- (8) **Proceedings before.—Business, messages, etc.**
- (9) **Proceedings before.—Adoption of rules.**
- (10) **Proceedings before.—Adjournment.**
- (11) **Messages relating to.**
- (12) **Drawing of seats.**
- (13) **Quorum at.** See also “Quorum.”
- (14) **Contests over.**
- (15) **Sessions and adjournments.**
- (16) **Of the Senate.—In General.** See also “Impeachment.”
- (17) **Of State legislatures as related to election of Senators.**

(1) Place of Meeting.

The District of Columbia is the seat of government (footnote). Volume **I**, section **2**.

In certain exigencies the President may convene Congress at a place other than the seat of government. Volume **I**, section **2**.

(2) Time of Meeting.—The Constitutional Day.

The twentieth amendment to the Constitution provides for the annual meeting of Congress. Volume **VI**, section **1**.

By resolution of the Continental Congress the First Congress under the Constitution met on March 4, 1789. Volume **I**, section **3**.

The Constitution provides for the annual meeting of Congress. Volume **I**, section **1**.

In the later but not the earlier practice the fact that Congress has met once within the year does not make uncertain the constitutional mandate to meet on the first Monday of December. Volume **I**, sections **10, 11**.

In 1797 the Congress assembled on the day constitutionally provided by law, although it had already held a session that year. Volume **I**, sections **6-9**.

Early Congresses having, by law, met on a day earlier than the constitutional day, remained in continuous session to a time beyond that day. Volume **I**, sections **6-9**.

Early Congresses convened either by proclamation or law on a day earlier than the constitutional day remained in continuous session to a time beyond that day. Volume **I**, sections **10, 11**.

The First Congress having met once in each of its two years of existence, a doubt existed as to whether as to whether or not it would legally meet again on the day appointed by the Constitution. Volume **I**, section **5**.

In the later view an existing session ends with the day appointed by the Constitution for the regular annual session. Volume **II**, section **1180**.

Instance wherein Congress in adjourning fixed by resolution the time of meeting of the next session on the constitutional day. Volume **I**, section **5**.

ORGANIZATION—Continued.**(3) Time of Meeting.—When Fixed by Law of Proclamation.**

Instances wherein Congress has been convened by proclamation or by law. Volume **I**, section **10, 11.**

Laws convening Congress have specified the day but not the hour, except in an exceptional instance. Volume **I**, section **4, 6–11.**

Instance of laws fixing the time of annual meeting of Congress. Volume **I**, section **5.**

The First Congress, by law, appointed for its second meeting a day later than the day fixed by the Constitution. Volume **I**, section **5.**

The President may, on extraordinary occasions, convene both or either of the Houses of Congress. Volume **I**, section **1.**

One Congress having by law provided a time for the meeting of the next Congress, that Congress nevertheless meet at an earlier day on call of the President. Volume **I**, section **12.**

(4) Time of Meeting.—The Hour.

Why the House in new Congress meets at 12 m. Volume **I**, section **210.**

Instance wherein a law convening Congress specified the hour as well as the day. Volume **I**, section **10, 11.**

It being desirable that the hour of the first meeting of a Congress should be later than 12 m., the purpose was effected by a joint resolution. Volume **I**, section **4.**

The early laws fixing the time for the meeting of Congress specified the day but not the hour. Volume **I**, section **6–9**

At the beginning of each session the House fixes by resolution the daily hour of meeting. Volume **I**, section **104–109.**

When the House has not fixed an hour for daily motion to adjourn fixes the hour. Volume **V**, section **5362, 5363.**

Where special order provides for convening of daily sessions at 11 o'clock while a bill is under consideration, the House meets at 11 o'clock only on days when consideration of the bill is in order. Volume **VII**, section **763.**

(5) Procedure of Members-Elect During.

Proceedings and forms at the organization of the House in a new Congress. Volume **I**, section **81.**

Election of Speaker and other officers, administration of the oath of Members and officers, notification of the President and Senate, and drawing of seats at the beginning of Congress. Volume **I**, section **81.**

Discussion as to the status of the House with reference to the transaction of business before its organization by the choice of a Speaker. Volume **V**, section **6647.**

A discussion as to whether or not the House is a House before its organization. Volume **I**, section **82.**

A proposition to regulate the organization of the House by law. Volume **I**, section **82.**

The validity of a law passed by a preceding Congress which proposes to govern the House as to its rules or its organization is doubtful. Volume **I**, section **6765, 6766.**

In 1839, at the organization of the House, the Members-elect did not permit five persons bearing regular credentials to participate in the organization. Volume **I**, section **103.**

(6) Rules of Procedures During.

Before the adoption of rules the House proceeds under general parliamentary law, founded on Jefferson's Manual and modified by the practice of American legislative assemblies, especially of the House Representatives. Volume **V**, section **6761–6763.**

According to the latest practice the yeas and nays are taken of questions arising before the organization of the House. Volume **V**, section **6012, 6013.**

The yeas and nays may be ordered before the organization of the House. Volume **I**, section **91.**

A call of the House is in order both under the general parliamentary law and the Constitution. Volume **IV**, section **2981.**

ORGANIZATION—Continued.**(6) Rules of Procedure During—Continued.**

Before the adoption of rules the previous question has been admitted, although in the earlier practice it was conceived to differ somewhat from the previous question of the rules. Volume **V**, section **5451–5455**.

The motion to lay on the table is admitted under general parliamentary law. Volume **V**, section **5390**.

(7) Status of the Member-elect Before.

An Opinion that a “Member-elect” becomes a Member from the very beginning of the term to which he was elected. Volume **V**, section **500**.

Discussion of the status of a Member-elect who has not taken the oath, with a conclusion that it is distinguished from that of a Member who has qualified. Volume **I**, section **183**.

In 1901, in a divided report, the Judiciary Committee discussed that status of the Member-elect, the major opinion being that he was as much an officer of the Government before taking the oath as afterwards. Volume **I**, section **185**.

Dissuasion of the status of a Member-elect in relation to the law prohibiting the holding of two offices of certain salaries, with the conclusion that it is distinguished from the status of the Member who has qualified. Volume **I**, section **184**.

May the House expel a Member-elect before he is sworn in? Volume **I**, section **476**.

A Member-elect who had not taken the oath was expelled from the House of treason. Volume **II**, section **1262**.

The House has decided that the law relating to deductions from the pay of Members applies only to those who have taken the oath. Volume **II**, section **1154**.

The Speaker has questioned the right of a Member to discuss as privileged charges relating to his conduct at a period before he became a Member. Volume **II**, section **1287**.

(8) Proceedings Before.—Business, Messages, etc.

In 1867 the law of 1789 was considered as binding the House to elect a Clerk before proceeding to business. Volume **I**, section **241**.

A Speaker having been elected, the House has proceeded to legislative and other business before the election of a Clerk. Volume **I**, section **244**.

A question has arisen as to whether or not the House, in the face of the provision of law, may proceed to business before the election of a Clerk. Volume **I**, section **243**.

Message sent to the House by the President before its organization have retained in custody of the Clerk, but have not been read. Volume **V**, section **6647–6649**.

Questions as to the credentials and qualifications of Members-elect may by general consent be deferred until after the election of Speaker and swearing in of Members. Volume **I**, section **153**.

In 1839 the difficulties at organization prevented the daily approval of the Journal, until finally on one day the Journals of several days were approved. Volume **I**, section **92**.

It has been held that the House is technically in session during the period of organizations. Volume **I**, section **87**.

Before the completion of the organization of the House of 1923 the Clerk decided questions of order and enforced, in as far as applicable, the rules of the proceeding Congress. Volume **VI**, section **623**.

(9) Proceedings Before.—Adoption of Rules.

The House has held, notwithstanding the law of 1789, that it may adopt rules before electing a Clerk. Volume **I**, section **245**.

Instance wherein the rules were adopted immediately after the election of Speaker. Volume **I**, section **93**.

Before the election of officers on the adoption of rules the House has made a rule for enforcing order in the galleries. Volume **I**, section **102**.

ORGANIZATION—Continued.**(9) Proceedings Before.—Adoption of Rules—Continued.**

Before the election of a Speaker the House has empowered the Clerk and Sergeant-at-Arms of the last House to preserve order. Volume **I**, section **101**.

The House has adopted a rule relating to the privilege of the floor before the election of a Speaker. Volume **I**, sections **96—98**.

Before the election of officers the House has provided for opening its sessions with prayer. Volume **I**, sections **99, 100**.

Before the election of a Speaker the House has adopted a rule regulating debate. Volume **I**, sections **94, 95**.

(10) Proceedings Before.—Adjournments.

The House may adjourn for more than one day before the election of a Speaker. Volume **I**, section **89**.

The question as to whether or not the House, before the organization, may adjourn over for more than one day. Volume **I**, section **221**.

Before the adoption of rules a motion to adjourn until a given hour is not in order until a previous order fixing the hour of daily meeting has been rescinded. Volume **V**, section **5364**.

(11) Messages Relating to.

The Senate and President are informed of the presence of a quorum and the organization of the House. Volume **I**, sections **198–203**.

In recent years all the officers have been elected before the President and Senate have been informed of the organization. Volume **I**, sections **194–196**.

In the earlier practice the messages announcing the organization were sent immediately after the election of Speaker and did not refer to the election of Clerk. Volume **I**, sections **198–203**.

In the earlier practice of the House the Senate was notified to the election of Speaker but not of that of other officers. Volume **I**, sections **122–125**.

In 1860 the House decided that it might inform the Senate and President of its organization and election of a Speaker before it had elected a Clerk. Volume **I**, section **240**.

A Speaker pro tempore being elected, the Senate and President are informed. Volume **II**, section **1401**.

(12) Drawing of Seats.

Form and history of the rule for the drawing of seats by Members. Volume **I**, section **119**.

At the time of the organization of the House the motion relating to the drawing of seats is privileged. Volume **I**, section **120**.

Instance wherein a proposition to draw seats before election of a Speaker was laid on the table. Volume **I**, section **98**.

Precedents as to drawing of seats where a large portion of the majority is to be accommodated on the minority side of the main aisle. Volume **I**, section **121**.

(13) Quorum at. See also “Quorum.”

After the House is once organized the quorum consists of a majority of those Members chosen, sworn, and living, whose membership has not been terminated by resignation or by the action of the House. Volume **IV**, sections **2889, 2890**.

After long discussion the Senate finally decided that a quorum consisted of a majority of Senators duly chosen and sworn. Volume **IV**, sections **2891–2894**.

At the beginning of a second session of Congress unsworn Members-elect were taken into account in ascertaining the presence of a quorum, but in the absence of the Speaker they were not sworn until the next day. Volume **I**, section **175**.

A message from one House that a quorum has appeared is not delivered in the other until a quorum has appeared there also. Volume **I**, section **126**.

At the beginning of a second session of a Congress the House proceeded to business, although a quorum had not appeared in the Senate. Volume **I**, section **126**.

ORGANIZATION—Continued.**(13) Quorum at—Continued.**

Before an organization of the House has been effected the Senate has not usually proceeded to general legislation. Volume **I**, sections **122–125**.

(14) Contests Over.

Reference to proceedings during the contest over the organization of the House in 1839. Volume **V**, section **5356**.

In 1839 certain persons whose titles as Members-elect were contested assumed to participate in the organization, but the meeting passed on the vote of each after it has been given. Volume **I**, section **103**.

Proceedings at organization of the House in the New York or “Broad Seal” contest of 1839. Volume **I**, section **103**.

The contest over the organization of the House in 1849. Volume **I**, section **221**.

The contest over the organization of the House in 1855 and 1856. Volume **I**, section **222**.

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(15) Sessions and Adjournments.

Instances wherein one session of Congress has followed another with appreciable interval. Volume **V**, sections **6690, 6692**.

A special session continuing until the constitutional day for annual meeting ends automatically on that date. Volume **VIII**, section **3375**.

In the later Congresses it has been established, both by declaration and practice that a special session, whether convened by law or proclamation, ends with the constitutional day for annual meeting. Volume **V**, sections **6690–6693**.

An early instance wherein the proclamation of the President convening Congress was not printed in the Journal (footnote). Volume **I**, section **12**.

In the later practice the proclamation of the President convening Congress appears in full in the Journal. Volume **IV**, section **2878–2882**.

Discussion as to whether or not there is a distinction between a session called by the President and other sessions of Congress (footnote). Volume **I**, section **12**.

Reference to questions arising in the Senate as to recess appointments in a case wherein one session followed its predecessor immediately. Volume **V**, section **6693**.

The statutes provide that in case of the removal, death, resignation, or inability of both President and Vice-President during a recess of Congress the Secretary who acts as President shall convene Congress in extraordinary session. Volume **I**, section **13**.

The Committee on the Judiciary has reported bills relating to the meeting of Congress. Volume **VII**, section **1770**.

The Committee on the Judiciary has reported bills relating to the meeting of Congress, the attendance of Members, and their appointment to incompatible offices. Volume **IV**, section **4077**.

Proposed changes of the Constitution as to the term of Congress and the President and the time of annual meeting of Congress have been considered by the Committee on Election of President, Vice-president, and Representatives in Congress. Volume **IV**, section **4302**. Volume **VII**, section **2026**.

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(17) Of State Legislatures as Related to Election of Senators.

A question as to what constitutes an “organization” of a State legislature within the meaning of the law providing for the election of United States Senators. Volume **II**, sections **1059, 1061**.

ORGANIZATION—Continued.**(17) Of State Legislatures as Related to Election of Senators—Continued.**

A legislative body recognized by the State executive and having an elected but not certified quorum was once preferred to a rival body having a certified but not elected quorum. Volume **I**, section **343**.

The Senate declined to give immediate prima facie effect to regular credentials impeached by a memorial alleging irregularities in constitution of the State legislature and suggesting personal disqualifications of the bearer. Volume **I**, section **393**.

A Senate discussion favoring recognition of a legislative body having a legally certified but not legally elected quorum in preference to one having an elected but not certified quorum. Volume **I**, section **353**.

A Senate committee's discussion of the functions of credentials in the organization of a legislature. Volume **I**, section **631**.

ORGANIZED LABORERS.

The Committee on the Judiciary has exercised jurisdiction over subjects related to the relations of laborers, especially organized laborers, to the courts and to corporations. Volume **I**, section **4072**.

ORR, JAMES L., of South Carolina, Speaker and Chairman.

Decisions on questions of order relating to—

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Adjournment. Volume **V**, sections **6708**, **6716**.

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ORTH.

The Indiana election case of McCabe v. Orth in the Forty-sixth Congress. Volume **I**, section **752**.

ORTON.

An official of a telegraph company not being in actual possession of dispatches demanded by the House, proceedings for contempt were discontinued. Volume **III**, section **1697**.

OSBORN.

The Senate election case of Marvin v. Osborn, from Florida, in the Fortieth Congress. Volume **I**, section **390**.

OTERO.

The election case of Otero v. Gallegos, from the Territory of New Mexico, in the Thirty-fourth Congress. Volume **I**, sections **830**, **831**.

OTHEY.

The Virginia election case of Hoge v. Otey in the Fifth-fourth Congress. Volume **I**, section **724**.

OUTHWAITE, JOSEPH H., of Ohio, Speaker Pro Tempore and Chairman.

Decision on questions of order relating to—

Appropriations. Volume **VII**, section **1515**.

Special orders. Volume **IV**, section **3212**.

OVERRULED DECISIONS OF SPEAKERS AND CHAIRMEN.

The House has overruled a decision of a Speaker admitting an appeal. Volume **V**, section **6953**.

A proposition to impose upon an officer of the House duties in addition to those prescribed by the rules is in effect an amendment of the rules, and should be acted on in the way prescribed for such amendment (Speaker overruled). Volume **V**, section **6769**.

In 1861 the House, overruling the Speaker, established the new rule that a Member making a personal explanation should confine his remarks to that which was personal to himself. Volume **V**, sections **5071–5073**.

Overruling the Speaker the House, in 1840, decided to receive as a matter of privilege a report in an election case (footnote). Volume **I**, section **794**.

The right of a Member to his seat presents a question of privilege and takes precedence of other business. Volume **III**, sections **2579**, **2580**.

The House, overruling its Speaker, held that a negative decision on a resolution declaring a contestant not elected was not equivalent to affirmative affirmation. Volume **I**, section **775**.

In the general, although not universal, practice debate has not been closed by the ordering of the yeas and nays until one Member has responded to the call. Volume **V**, section **6102**.

On a motion to strike out a resolution and insert several connected resolutions, a division of the question so as to vote separately on each substantive proposition of the matter to be inserted was decided not to be in order (Speaker overruled). Volume **V**, section **6124**.

To a bill relating to reciprocal trade relations between the United States and Cuba, the Committee of the Whole, overruling the Chair, added an amendment relating to the duties on sugar generally, but sustained the Chair in holding not germane amendments relating to the general duties on hides and iron manufacturers. Volume **V**, section **5856**.

The motion to reconsider the vote on a proposition having been once agreed to, and the said vote having again been taken, a second motion to reconsider may not be made unless the nature of the proposition has been changed by amendments. Volume **V**, section **5687**.

To a provision appropriating for the support of army hospitals an amendment excepting a certain hospital was held to be a limitation (Chairman overruled). Volume **IV**, section **3993**.

OVERRULED DECISIONS OF SPEAKERS AND CHAIRMEN—Continued.

- A paragraph which changes existing law being allowed by general consent to remain, it may be perfected by any germane amendment (Chair overruled). Volume **IV**, section **3837**.
- The Committee of the Whole, overruling its Chairman, decided that a provision for the purchase and distribution of rare and valuable seeds was in order on the agricultural appropriation bill. Volume **IV**, section **3895**.
- The reading of a bill for amendment being concluded in Committee of the Whole, and a motion to rise being negatived, a motion to return to a particular portion of the bill was offered and admitted. Volume **IV**, section **4748**.
- The House overruled the Speaker and decided that a manager of an impeachment should be elected by a majority and not by a plurality. Volume **III**, section **2345**.
- The previous question applies to a question of privilege as to any other question. Volume **II**, section **1256**.
- A modification of a proposition being dependent on the right of withdrawal may not be made after the previous question is ordered (Speaker overruled). Volume **V**, section **5484**.
- The previous question being ordered, a Member may not ask a decision of the House on his request for the reading of a paper not before the House (Speaker overruled). Volume **V**, section **5296**.
- The motion to reconsider may not be applied to a vote for the previous question which has been partially executed (Speaker overruled). Volume **V**, section **5653**.
- Instances wherein decisions of Speakers have been overruled. Volume **V**, sections **5948**, **6185**.
- Instance wherein a decision of a Chairman of the Committee of the Whole was overruled. Volume **IV**, sections **3968**, **4748**.
- A Committee of the Whole having overruled its Chairman and originated a new legislative proposition, the Chairman made no mention of the new proposition in his report, and in this was sustained by the Speaker. Volume **IV**, section **4708**.
- The Committee of the Whole declined to heed an appeal that it overrule its Chairman in order to place legislation urged as desirable on an appropriation bill. Volume **IV**, section **3820**.
- Instance in which a question of procedure was submitted by the Speaker to the House, which overruled his former decision. Volume **VI**, section **565**.
- The House (overruling the Speaker) held the motion discharging a committee from the consideration of a bill to be of higher privilege on suspension day than the motion to resolve into Committee of the Whole for the consideration of revenue or appropriation bills. Volume **VII**, section **1016**.
- The committee, overruling the Chairman, decided that an appropriation for packing boxes was authorized by law. Volume **VII**, section **1230**.
- An instance in which the committee, overruling the Chairman, held in order as a limitation a provision indirectly changing existing law through restrictions upon executive discretion. Volume **VII**, section **1664**.
- Instance wherein the Committee of the Whole, disregarding the suggestion of the Chairman, determined to read a revenue bill by paragraphs and not by sections. Volume **VIII**, section **2350**.
- A decision by the Chairman that a motion to rise is in order after a Member has been recognized for debate but before he has begun to speak, was overruled by the Committee. Volume **VIII**, section **2370**.
- Provision for contingent hearings conducted by Cabinet members to determine requirements for a bridge across navigable waters was held by the House (overruling the Speaker) not to be sufficiently patent as a charge upon the Government to require consideration in Committee of the Whole. Volume **VIII**, section **2391**.
- Overruling the Speaker, at his invitation, the House decided that a bill providing for the establishing of a national park and conferring authority on the Secretary of the Interior to administer, protect, and develop it, required consideration in the Committee of the Whole. Volume **VIII**, section **2412**.

OVERRULED DECISIONS OF SPEAKERS AND CHAIRMEN—Continued.

The House decided (overruling the Speaker) that the motion to reconsider the vote on a proposition having been once agreed to, and the vote having again been taken, a second motion to reconsider may not be made unless the nature of the proposition has been changed by amendment. Volume **VIII**, section **2788**.

The committee, overruling the decision of the Chair, held that an amendment germane to an existing law is germane to a bill proposing its reenactment. Volume **VIII**, section **2941**.

Overruling a decision of the Chair, the Senate held it was not in order to request the House to return papers in possession of the conferees. Volume **VIII**, section **3324**.

A decision of the Speaker which was overruled by the House was subsequently reaffirmed and sustained, and embodies the established practice of the House. Volume **VIII**, section **3376**.

OWENBY, J. A.

In 1891 a witness in contempt for refusing to testify before a committee was arrested and arraigned, and after purging himself of the contempt was discharged. Volume **III**, section **1701**.

OWENS.

The Kentucky election case of Denny, jr., v. Owens in the Fifty-fourth Congress. Volume **II**, sections **1087, 1088**.

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